Deutsches
Patent- und Markenamt

Information for Design Applicants

(Edition July 2026)

	Address	Telephone	Fax
Dienststelle München **Dienststelle Jena** **Informations- und Dienstleistungszentrum Berlin**	Central mailing address: 80297 München	Customer Care and Services: +49 89 2195-1000	Central fax number: +49 89 2195-2221

Beneficiary: Bundeskasse
IBAN: DE84 7000 0000 0070 0010 54, BIC (SWIFT-Code): MARKDEF1700

Address of the bank: Bundesbankfiliale München, Leopoldstraße 234, 80807 München

Internet:
https://www.dpma.de

R 5704.1/7.26 (2)

Contents

I. Legal basis ... 3
II. What can be protected? ... 3
1. Objects eligible for design protection ... 3
2. Novelty ... 3
3. Individual character ... 3
4. Grace period ... 3
5. Scope of examination ... 3
6. Search ... 3
7. Subject matter of design protection ... 4
8. Typefaces ... 4
III. How to submit an application ... 4
IV. Documents to submit ... 4
1. Request for registration ... 4
2. Attachment sheet to the request for registration ... 7
3. Representation of the design and specimen of a two-dimensional design ... 7
a) Representation of the design ... 8
(1) Content of the representation ... 8
(2) Representation requirements ... 8
(3) Use of the representation form ... 8
(4) Use of electronic data carriers ... 8
b) Specimens of two-dimensional designs ... 8
V. Professional advice ... 9
1. Voluntary representation ... 9
2. Domestic representative ... 9
3. Power of attorney ... 9
VI. Procedure after filing ... 9
1. Examination of the application ... 9
2. Correction of deficiencies ... 9
3. Registration and publication ... 9
4. Legal aid ... 9
5. Extension of protection ... 10
6. Maintenance of protection ... 10
VII. Rights conferred ... 10
1. Principle: exclusive protection ... 10
2. Protection in case of deferment of publication ... 10
VIII. Right to the registered design ... 10
IX. Exploitation of designs ... 10
X. Information on payment ... 11

This leaflet provides detailed information if you wish to file a design application at the German Patent and Trade Mark Office (DPMA).

All forms and official leaflets can be downloaded from the Internet at: https://www.dpma.service/formulare/designs/index.html or are available from the DPMA.

I. Legal basis

The legal basis for design applications is set forth

- in the Design Act *(Designgesetz)* (http://www.gesetze-im-internet.de/englisch_geschmmg/index.html),
- in the Design Ordinance *(Designverordnung)* (http://www.gesetze-im-internet.de/designv/index.html – in German),
- in the Ordinance Concerning the German Patent and Trade Mark Office *(DPMA-Verordnung)* (http://www.gesetze-im-internet.de/dpmav_2004/index.html – in German),
- in the Patent Costs Act *(Patentkostengesetz)* (form A 9514.1 – extract),
- in the Ordinance Concerning the Administrative Costs at the German Patent and Trade Mark Office *(DPMA-Verwaltungskostenverordnung)* (http://www.gesetze-im-internet.de/dpmavwkostv_2006/index.html – in German) and
- in the Patent Costs Payment Ordinance *(Patentkostenzahlungsverordnung)* (form A 9511.1).

II. What can be protected?

Design protection may be established if the following requirements are complied with:

1. Objects eligible for design protection

A design is the two-dimensional or three-dimensional appearance of the whole or a part of a product. The design of a flat surface – for example, a textile or wallpaper – or the appearance of a three-dimensional object is protected by a registered design. Here, the following features play a role: the lines, contours, colours, shape and the texture of the product. In this context, a product is any industrial or handicraft item, including packaging, get-up, graphic symbols and typographic typefaces. A computer program is not regarded as a product.

2. Novelty

A registered design must be new on the date of filing the application. A design is to be considered new if no identical design has been disclosed before the date of filing the application. Designs are deemed to be identical if their features differ only in immaterial details. This means that at the said date the design for which protection is sought has not been known nor could have reasonably become known to the circles specialised in the sector concerned, operating within the European Union. Please note that you must also take into consideration publications outside the EU.

3. Individual character

A design must also have individual character on the date of filing the application. To fulfil this requirement, its overall impression must differ from that of already known designs. In this context, neither the view of a layman nor the opinion of a product designer is decisive. Rather it is the overall impression produced by the design on what is referred to as the "informed user" that is relevant. The more designs in a class of goods the lower the level of originality required and vice versa. For car rims, for example, there are many designs. In this field, designs can have individual character even if they are only slightly different compared to known designs.

4. Grace period

For assessing novelty and individual character a disclosure will not be taken into consideration if a design has been made available to the public by the designer, or their successor in title, or a third person as a result of information provided or action taken by the designer, or their successor in title, during a twelve-month period preceding the date of filing the application.

5. Scope of examination

During the registration procedure, there is no examination of novelty and individual character. These requirements for protection will only be examined in case of proceedings before a civil court or during invalidity proceedings before the Design Division at the DPMA.

6. Search

Before requesting registration of a design, you should gain information on existing designs. **Search options** for registered designs are available here:

- registered designs with effect in Germany: https://register.dpma.de/DPMAregister/Uebersicht (DPMAregister)
- registered designs with effect in the EU: https://euipo.europa.eu/eSearch/#advanced/designs (eSearch plus)
- (internationally) registered designs with effect in designated member states of the Hague Agreement: http://www.wipo.int/designdb/hague/en/ (Hague Express)

7. Subject matter of design protection

The representation (illustration) of the design determines the subject matter and scope of protection, and is therefore of prime importance. The subject matter of protection is restricted to the visible features. Please note item IV.3 and, in particular, IV.3 a)(2).

8. Typefaces

Typefaces are eligible for design protection as products. They are to be assigned to the class of goods 18-03. Use the term "typefaces" as indication of products. The representation of the design must comprise all characters and five lines of text in font size 16.

III. How to submit an application

In order to obtain design protection in Germany under the Design Act, an application for the registration of the design in the Design Register must be filed with the DPMA.

You may file design applications

- electronically using **DPMAdirektWeb** on the website of the DPMA
- electronically via the **DPMAdirektPro** software
- in writing by mail or
- in person at the German Patent and Trade Mark Office in Munich, the Jena Sub-Office or the Information and Service Centre Berlin

Fees for electronic filings are lower than for conventional ones. **DPMAdirektWeb** can be used without a signature card.

DPMAdirektPro can only be used together with a signature card. More information on this software is available at https://www.dpma.de/english/services/efiling/dpmadirekt/index.html.

Some patent information centres also accept design applications.

No faxes please!

Representations (reproductions of the design) may not be submitted by fax.

IV. Documents to submit

The application must contain:

- a request for registration of a design,
- details of the applicant,
- an indication of products,
- a representation of the design suitable for publication and
- an attachment sheet for a multiple application of designs.

We can speed up processing of your application if you:

- submit a "SEPA Core Direct Debit Mandate" form together with a "Specification of the purpose of use of the mandate" form (more information is available under "Information on payment").
- use our search engine to draw up the indication of products. Here you will find fast and comprehensive information on all accepted expressions of goods.

We can also process online applications (**DPMAdirektWeb** or **DPMAdirektPro**) faster.

1. Request for registration

Please use form R 5703 (in German), issued by the DPMA, for filing an application for the registration of a design. If you want to register several designs by filing one request (multiple application), submit attachment sheet R 5703.2 (in German) together with the request for registration. For better readability of the forms please type.

The reproductions must be printed or glued onto the representation form. Please use a separate representation form for each reproduction. If you prefer, you can file the representation on electronic data carriers instead of using the form.

All required forms are available on the DPMA website at https://www.dpma.de/english/services/forms/designs/index.html. You can also call the Central Customer Care and Services of the DPMA (+49 89 2195-1000) to request forms and information leaflets.

Please read the following instructions carefully before completing the fields (1) to (11) of the request form and the boxes (A) to (C) of the attachment sheet.

Field 1 Address

Please specify to whom any correspondence of the DPMA should be sent. Please indicate the

- family name,
- given name,
- street,
- house number,
- company,
- post office box (if applicable),
- place with postal code/country (in case of foreign places); district, county or state may also be indicated.

The address may be your address, the address of a person authorised to receive official communications or the address of an appointed representative. If you jointly file an application for the registration of the

design with other applicants and if you have not appointed a common representative, you must indicate here the address of a person authorised to receive official communications. You should inform the DPMA immediately of any change of address.

Field 2 Contact details

Please give your internal reference (if any), your telephone number(s), fax number and e-mail address.

Fields 3 and 4 Applicant/representative

If you have entered a person authorised to receive official communications or a representative in field 1, please indicate here the name and address of the **applicant**. Please indicate your street address (no post office box) here. This is necessary in case of deliveries that cannot be sent to a post office box.

The applicant may be

- a natural person,
- a legal entity or
- a partnership having legal capacity.

If a **representative** has been appointed to act in the application procedure, please also indicate the name and the street address (no post office box) of the representative.

Please note:

In any case, the name and address of the person to be recorded as owner in the register must be indicated in the form. Otherwise, the application is not effective and will not be accorded a filing date to ensure priority.

Where design registration is sought for

- a company, you must indicate the name of the company as recorded in the commercial register.
- a partnership under the Civil Code *(Gesellschaft bürgerlichen Rechts*), you must indicate the trade name as stated in the trade license. In addition, you must indicate the name and address of at least one partner authorised to represent.
- a legal entity, recorded in a register, you must indicate the name as stated in the register entry.
- several persons, you must indicate the names and personal addresses of all persons or legal entities or partnerships.

Mention of the designer

Designers have the right to be mentioned in the procedure before the DPMA and in the Design Register. The designer themself does not have the right to file a request, this request must be filed by the right holder. **Only natural persons** can be mentioned as designers. The details required include each designer's given name, family name and personal address (street, house number, postal code, place). Alternatively, the office address of the designer can be indicated here.

Please use the official form R 5707 (in German) and attach it to the request for registration.

Field 5 Multiple application

You can file up to 100 designs in a multiple application.

Please tick the first box and indicate in the field below how many designs the application comprises. You must always use attachment sheet R 5703.2 (in German) and attach it to the request for registration when filing multiple applications.

Field 6 Indication of products

Please indicate one to five products for the design in this field. The indication of products does not form part of the scope of protection. It must appear **consistent** with the submitted representation of the design, that means correct as regards content, in order to ensure that the design is searchable. This is only possible when you select suitable expressions of products. Ultimately, the decisive factor for the selection is which suitable and common words the public would use for searching for the design. The indication of products corresponds with the purpose of the product and usually with the visual appearance of the design. Where the representation, for example, shows a logo, the indication of products is "logos" or "graphic symbols" (class of goods 32-00), not "t-shirts" or "cups", even though the logo is to be affixed to these articles.

The indication of products is subject to the official list of goods for registered designs. The valid version of the list of goods is published in the Federal Gazette (*Bundesanzeiger*).

A product must be indicated for each design of a multiple application on the attachment sheet R 5703.2 (in German). You can also declare in box (B) of the attachment sheet that the indication of products is applicable to all designs of the application.

A database search at https://www.dpma.de/english/search/classificationen/designs/locarno_search/index.html may help you to find terms that can be used to indicate products.

Field 6 Classification

The classification is based on the products indicated. Since the products should be chosen from the database "*Erzeugnisangabe*" (indication of products), the classification usually results from the results list. If you do not indicate the class of goods, it will be determined by the Design Unit of the DPMA – on the basis of the indicated products and the submitted representation of the design.

Field 7 Other requests

Deferment of publication of the representation

Please tick this box if you wish to defer the publication of the representation of the design. The publication of the representation in the Design Gazette *(Designblatt)* will then be deferred by up to 30 months from the date of filing the application. If a priority has been claimed, the 30-month deferment period begins on the priority date.

If the publication of the representation of the design is deferred, only the bibliographic data will be published at first. This allows you to save costs, since the procedural fees will be reduced in this respect (see section 21 (1) of the Design Act and the information concerning costs on the back of the last sheet of the request form for more details).

Please note, however, that during the deferment period, you do not yet enjoy an exclusive right (monopoly) to use the design but only protection against copying (see VII.2).

The term of protection ends upon expiry of the deferment period, unless you extend protection to the full period of protection (maximum 25 years) by payment of the extension fee within the deferment period.

Waiver to receive a certificate of registration

You can declare that you waive your right to receive a certificate of registration after your design has been entered in the Design Register. In this case, you will only receive a notification for your records.

Interest to grant licences

You can declare that you are interested in granting licences. This information serves to inform potential licensees. It is entered in the Design Register and published. The declaration is not binding; it does not oblige you to grant licences.

Field 8 Priority

The date relevant for the priority of an application is usually determined by the date of its receipt at the DPMA provided that the minimum requirements for according a filing date are met.

You can bring the date relevant for the priority of your application forward to an earlier date if you claim priority of an earlier foreign application or of an earlier exhibition.

If you wish to claim any of these priorities, the following must be indicated:

Foreign priority

Indicate the date, country and file number of the earlier foreign application in this box and submit a copy of the earlier application. Within six months (in case of an earlier patent application, twelve months), you must file the application at the DPMA, claiming priority of the earlier application. The indications must be submitted before the expiry of 16 months after the priority date of the earlier foreign application. Since time limits have to be observed in respect of these declarations and indications, it is advisable to file them together with the application.

It is not possible to claim a domestic priority (earlier application in Germany) for design applications.

Exhibition priority

If you have displayed the design at a domestic or foreign exhibition, you may claim a priority right from that day provided that you file the application within six months from the first display. You can claim an exhibition priority only for those exhibitions that were designated individually by the Federal Ministry of Justice and Consumer Protection in a notification on exhibition protection in the Federal Gazette (www.bundesanzeiger.de).

A **confirmation** R 5708 (in German) must be furnished to prove the display at the exhibition. The **confirmation must be issued during the exhibition** by the agency in charge of protection of intellectual property at that exhibition. You can prepare the confirmation in advance. It is important that you display your product on the exhibition exactly as it is shown in the reproductions on the confirmation.

Priorities are only recognised for such exhibitions which have been previously mentioned in the Federal Gazette.

If you present your product exclusively to selected business partners, this presentation does not constitute a display which would qualify for an exhibition priority.

If you do not claim priority for all designs of a multiple application, please match the priority data to the designs concerned.

Field 9 Payment of fees

The individual fees to be paid as well as the methods of payment are listed in the leaflet ***Merkblatt über Gebühren und Auslagen für Designs*** (R 5706 – in German: information concerning fees and expenses for designs). **The fee for filing** an electronic application is 6 euros for each design, at least 60 euros per application. The fee for a paper application is 7 euros for each design, at least 70 euros per application. If the application includes more than 10 designs, the fee for each additional design is 6 and 7 euros, respectively. More information is available under "Information on payment".

We recommend you pay the fees by **direct debit**, as this speeds up processing. Therefore, you have to submit a valid SEPA core direct debit mandate together with a specification of the purpose of use.

Please use the "SEPA Core Direct Debit Mandate" form (A 9530.1) together with a "Specification of the purpose of use of the mandate" form (A 9532.1) for this purpose.

The date of receipt of the SEPA mandate form at the DPMA or at the Federal Patent Court or, for fees due in future, the due date will be deemed to be the payment date if the fees are collected by the *Bundeskasse* for the DPMA. In case you transmit the SEPA mandate form by fax, you have to submit the original within one month in order to claim the payment date. Otherwise, the date of receipt of the original will be deemed to be the payment date.

The application fee must be paid to the DPMA within three months after filing the application. Otherwise, the application will be deemed to be withdrawn.

Field 10 Annexes

Please indicate the number of the enclosures.

Field 11 Signature

Please sign the request with your real name (civil name). In the case of several applicants without a common representative, the request must be signed **by all applicants**.

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

Information: description

You can file a description to explain the representation of the design. This description will be registered and published. The description must be filed on a separate sheet and may not exceed 100 words. You can draft an individual description for each design. It must be furnished as a continuous text without graphic elements, formulae or formatting. The description must relate exclusively to those features contained in the representation or in the two-dimensional specimen. It must not contain any statement on novelty, individual character or technical function of the design.

If you submit the representation on a digital data carrier, the description can be stored on the data carrier in .txt format. In case of multiple applications, you may file the descriptions in a single document, provided that they are in the order of the design numbers.

2. Attachment sheet to the request for registration

Please use attachment sheet (up to 100 designs per application) R 5703.2 (in German) for a multiple application of designs. Where the attachment sheet provides for indications to be entered in specific columns, such entries need not be made in the registration request. Where an attachment sheet is not sufficient for the entry of the indications, please use further sheets and number them consecutively.

Box (A) **Reference number of the applicant/ representative and date of the request**

In order to allow identification of the attachment sheet to the request for registration at any time, please enter the indications of box (2) of the registration request and the date of the request here.

Box (B) **General indication of products**

Please tick the box if the indication of products in the registration request is meant to be applicable to all designs. Otherwise enter an individual indication of products for each design in box (C).

Box (C) **Details of the designs of the multiple application**

Consecutive number

Please enter the consecutive number for each design.

Number of reproductions

Please indicate here the number of reproductions filed with the respective design (the maximum number of reproductions per design is 10).

Indication of products

Please indicate at least one product for each design of a multiple application, unless you declare in box (B) that the indication of products is applicable to all designs of the application.

3. Representation of the design and specimen of a two-dimensional design

The features of the design for which protection is sought under the Design Act must be clearly and fully disclosed. The representation of the design that means all reproductions of the design submitted or the specimen of a two-dimensional design (for example a textile pattern) determine the subject matter and scope of protection and therefore are of key importance. It is your responsibility to make sure that the representation clearly shows those components of the design for which you seek protection. The subject matter of protection is limited to the features visible in the representation or the two-dimensional specimen, that means only those items are protected that can be clearly seen in the design representation or the two-dimensional specimen.

Please file the representation of the design or the specimen together with the request for registration. The subsequent filing even of mere supplementing matter is not admissible or will lead to the postponement of the date of filing, as the case may be.

a) Representation of the design

(1) Content of the representation

The representation of the design consists of **at least one** colour or black-and-white photographic or other graphic reproduction (for example line drawing) of the design.

You can furnish **up to ten** reproductions for the representation of the design. The reproductions can show a top view, front/side/rear view, sectional view, perspective view or exploded view of the design. Make sure that the views refer to the same design and show a visible part of the design.

Please also note that the first reproduction should show the overall view of your design because this view is displayed in what is called "result list" of the Design Register upon entering the design in the Design Register.

Any further reproduction will not be considered. All admissible reproductions of the design will be published by the DPMA in the Design Register (except where deferment of publication of the representation has been requested in the registration request).

(2) Representation requirements

The reproductions must clearly and fully represent the design and, at the same time, be suitable as a master copy for the publication in the Design Gazette.

If you seek protection for a certain colour scheme of your design, we recommend colour illustrations. Avoid mixing colour images and black and white images within one representation of a design, otherwise it will be unclear whether the colour is meant to be part of the subject matter of protection. In that case, it is preferable to file two designs. Each different colour scheme has to be protected as a separate design.

Mixing photographs and line drawings within the representation of a design is not recommended either, as this may lead to uncertainties regarding the determination of the subject matter of protection. However, a combination of different forms of representation may be useful if particular details cannot be photographically reproduced.

Make sure that the design is photographed or shown against a neutral background, which should be one colour and provide a clear contrast to the design, so that its contours and other design features can easily be discerned. Make sure that the reproduction shows the design for which protection is sought without accessories (elements and objects that are not part of the design, such as people, decorations or illustrative items) and does not contain any explanation, numbering or measurements.

(3) Use of the representation form

If you do not wish to file the design application electronically, please use form R 5703.1 (in German) issued by the DPMA. Copy and paste the reproductions on that form or apply suitable glue over its entire surface to affix them to the form, using one side of the paper only. Please use a separate form for each reproduction.

Please number the reproductions consecutively. Place the numbers of the designs and the reproductions in the respective boxes provided on the forms.

Make sure that a single reproduction does not show more than one view. Make sure that the forms do not contain any explanatory text matter, explanatory designations, symbols or measurements.

(4) Use of electronic data carriers

You may also file the reproductions on a data carrier (CD or DVD). In this case, store the individual image files in JPEG format (.jpg) in the root directory of the blank data carrier (no subdirectories). Make sure that each file only contains one reproduction and that the minimum resolution is 300 dpi and the minimum image size 3 cm x 3 cm. The size of a single file may not exceed two megabytes. Please number the file names of the individual reproductions consecutively in Arabic numerals using decimal notation. The number left of the decimal point corresponds to the number of the design and the number right of the decimal point corresponds to the number of the reproduction (1.1.jpg, 1.2.jpg, etcetera). Do not store any other files on the data carrier except for the image files and the descriptions of the designs.

b) Specimens of two-dimensional designs

Only when you file a request for deferment of publication of the representation, you can submit a specimen of a two-dimensional design instead of the representation. Those may be, for instance, textile and wallpaper samples. The specimen must comply with the following requirements:

Please furnish two identical copies of the two-dimensional specimen. Number each specimen consecutively by affixing the serial number of the design on the back of the two-dimensional specimen. Make sure that the specimen does not exceed 50 cm x 100 cm x 2.5 cm or 75 cm x 100 cm x 1.5 cm, allowing it to be folded to A4 size. The specimens furnished in one application must not weigh more than 15 kg including packaging.

If your design consists of a repetitive two-dimensional surface pattern, make sure that the specimen shows the complete pattern and a sufficiently long and wide portion of the surface with the repetitive pattern.

V. Professional advice

As a rule, you may yourself file a design application. Only if you do not have a principal place of business in Germany, you must appoint an agent. The following details should be observed:

1. Voluntary representation

For filing a design application, you may appoint an advisor authorised to provide legal services, for example, a lawyer or patent attorney. It is also permissible to authorise an association of representatives, indicating the name of this association.

2. Domestic representative

If you do not have a residence, principal place of business or establishment in the Federal Republic of Germany, you must appoint a patent attorney or lawyer as your representative who is authorised and empowered to represent you. This also applies if you are a German national but have your residence or principal place of business abroad.

3. Power of attorney

A **written authorisation** must only be submitted to the DPMA if the representative is neither a patent attorney nor a lawyer.

A company may grant a **general power of attorney** to an employee authorising them to represent the company in all IP affairs before the DPMA. The DPMA registers the general power of attorney, allocating a reference number.

VI. Procedure after filing

After filing a design application, you or your representative will receive an **acknowledgement of receipt**. The acknowledgement of receipt also contains information about the costs of the application.

The Design Unit can only begin processing of an application after fee payment. It is in your own interest to pay the application fee as early as possible.

1. Examination of the application

The Design Unit of the DPMA examines whether the **formal requirements** for the application leading to the registration (see VI. in particular) are complied with. In addition, it will be examined whether the subject matter of the application is a design under section 1 no. 1 of the Design Act and whether the design is contrary to public policy or the accepted principles of morality, or whether the design is an abuse of a sign, of an emblem, etcetera under Article 6*ter* of the Paris Convention for the Protection of Industrial Property.

However, it will not be examined during the registration procedure whether the design applied for complies with the other **substantive requirements** for protection (including novelty and individual character). Therefore, a design will be registered even if one or several of the requirements for registration are not fulfilled. In this case, however, no IP right arises from which rights may be derived.

2. Correction of deficiencies

If certain requirements concerning the application documents have not been complied with, the legal consequences differ depending on the type of deficiency.

When filing the registration request (see item IV.1) and the representation of the design (see item IV.3 a)) certain basic requirements must be fulfilled, otherwise it is not possible to grant a date of filing to the deficient application. Where the deficiency is remedied after a respective communication by the DPMA, the date of remedying the deficiency (receipt at the DPMA) is accorded as date of filing.

In addition, the application must comply with certain other requirements, resulting from the Design Act and the Design Ordinance. If this is not the case, the Design Unit will send you a notice of deficiencies. If you do not remedy the deficiencies in due time, the Design Unit will issue a decision to refuse the application.

3. Registration and publication

If all requirements are fulfilled, the Design Unit will record your application in the electronic Design Register. The registration of the design is published on the **DPMAregister** publication platform and in the electronic Design Gazette at https://register.dpma.de.

Design protection arises upon registration of the design in the Design Register.

4. Legal aid

If you furnish proof that your **personal and economic circumstances** are such that you cannot pay the fee or can only pay part of the fee, or pay by instalments, you may be granted legal aid for the registration procedure. The condition is that there are **sufficient prospects that the design will be registered**. Legal aid comprises the application fees.

For the declaration concerning the personal and economic circumstances, you must complete and sign a special form A 9541 (in German). You must furnish sufficient evidence to support the declaration. More information is available in the ***Merkblatt über Verfahrenskostenhilfe*** (A 9540 – information on legal aid, in German).

You can also request legal aid for the extension and maintenance procedures as well as for invalidity proceedings.

5. Extension of protection

In case of deferment of the publication of the representation of the design (see IV.1. Field 7), you can decide within 30 months from the filing date (or the priority date) whether to extend protection to the maximum term of protection of 25 years. For this purpose, it is sufficient for you to pay the extension fee within the deferment period.

If you have submitted a two-dimensional specimen when filing your application, you must additionally submit a representation of the design within the deferment period. After extension, design protection is exclusively defined by the reproductions of the representation. The Design Unit of the DPMA **does not** produce the reproductions on which design protection is based.

For multiple applications, you can limit the extension to selected registered designs (for example meanwhile having become successful in the market). Please specify exactly those designs to which the extension fee relates on a separate written request (file number, consecutive number of the relevant registered design).

Provided that the extension was effective, the representation will as a rule be published after expiry of the 30-month deferment period. However, you can also request an earlier publication date.

6. Maintenance of protection

The term of protection of your registered design ends 25 years after the date of filing. To reach the maximum life of the registered design, you must renew your registered design before the end of each protection period (every five years) by payment of the renewal fee. For a multiple application, you must pay the renewal fee for each individual registered design. At present, the renewal fee for the first renewal period (sixth to the tenth year) is 90 euros. Please indicate the complete file number on the payment slip.

For multiple applications, you can limit renewal to selected designs. In that case, you must furnish a written request, listing all the registered designs to be renewed.

If you do not renew protection, the term of protection ends and the design registration is cancelled from the Design Register.

VII. Rights conferred

1. Principle: exclusive protection

The design registered at the DPMA confers on you the exclusive right to use it and to prevent any third party not having your consent from using it. That means that you alone are entitled to put the registered design on the market, grant licences and transfer the IP right.

Any third party not having your consent is prohibited from using the registered design; the use covers in particular, the making, offering, putting on the market, importing, exporting, or using or possessing the design for any of these purposes, provided no limitations to protection exist (section 40 et seqq. of the Design Act). Consequently, your registered design provides exclusive (monopoly) protection within its scope of protection.

You may take action against independent parallel creations provided that there is no right based on prior use. In case of violating acts, it is not relevant if the infringer has had knowledge of your protected design. This means that it is not only prohibited to copy your registered design but also to produce and distribute independently developed objects.

2. Protection in case of deferment of publication

During the period of deferment of the publication of the representation (see IV.1. Field 7), the design is only protected against deliberate copying. You can only take legal action against designs which another person has produced with the intention of distributing them, although that person had knowledge of your registered design. In case of infringement, you must demonstrate and provide evidence that the design which you are challenging is the result of deliberate copying of your registered design. In that case, you cannot challenge independent parallel creations. Upon subsequent publication of the representation, protection against copying is transformed into exclusive (monopoly) protection.

VIII. Right to the registered design

As a rule, the designer has the right to the registered design that they have created. If the design was created within the scope of an employment relationship or while executing an order, the employer or customer is deemed to be the person entitled to the IP right, if the creation of the design was part of the contract the employment relationship or the execution of the order was based on.

IX. Exploitation of designs

The DPMA is neither in charge of expert opinions on designs, nor the exploitation of designs, nor the prosecution of design infringement. In this context, persons and companies dealing with the exploitation of inventions may be of assistance. The DPMA cannot provide any information or references in this matter. However, patent information centres may provide you with more information.

In addition, an initial consultation 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 Berlin and at several patent information centres and chambers of commerce.

X. Information on payment

1. Fees may be paid as follows:
   a) by **transfer** to the above-indicated account of *Bundeskasse* for the German Patent and Trade Mark Office
   b) by **cash deposit** to the above-indicated account of *Bundeskasse* for the German and Trade Mark Office **at a German or foreign bank**
   c) by submitting a **"SEPA Core Direct Debit Mandate" form** together with a "Specification of the purpose of use of the mandate" form
2. The following day is considered the date of payment pursuant to section 2 of the Patent Costs Payment Ordinance:
   a) for payment by transfer: the day when the amount is credited to the account of *Bundeskasse* for the German Patent and Trade Mark Office
   b) for cash deposit into the account of *Bundeskasse* for the German Patent and Trade Mark Office: the date of deposit. Since *Bundeskasse* for the German Patent and Trade Mark Office cannot distinguish between the cash deposit and the transfer under item b) in its accounting documents, you should, when paying in cash, immediately submit the paying-in slip to the DPMA, if you wish to claim the earlier date of payment applicable to cash payment.
   c) for SEPA core direct debit mandate: the day of receipt at the DPMA or at the Federal Patent Court; for fees due in the future: the date the fee falls due, provided *Bundeskasse* for the German Patent and Trade Mark Office is the beneficiary of the debiting transaction
3. You can submit the "SEPA Core Direct Debit Mandate" form together with the "Specification of the purpose of use of the mandate" form by fax but need to submit the original mandate form within one month, to ensure the date of payment.
4. All payments must indicate the complete file number, the exact name of the applicant (right holder) and the purpose of the payment. A fee number can be indicated instead of the purpose of payment.

The official fee numbers are provided in the schedule of fees of the Patent Costs Act and the schedule of costs of the Ordinance Concerning the Administrative Costs at the DPMA *(DPMA-Verwaltungskostenverordnung*). Both schedules are available on the information leaflet A 9510.1 at the DPMA or on the Internet at https://www.dpma.de/ https://www.dpma.de/english/services/forms/index.html.

Warning regarding – sometimes misleading – offers, requests for payment and invoices in connection with applications for or the renewal of IP rights

The German Patent and Trade Mark Office would like to warn customers about – sometimes misleading – offers, requests for payment and invoices not issued by the German Patent and Trade Mark Office, which they might receive in connection with applications for or the renewal of IP rights.

Certain companies, sometimes using names that are similar to official organisations, offer payable services for the publication or registration of IP rights in non-official registers or the renewal of IP rights at the German Patent and Trade Mark Office.

The offers, requests for payment, invoices or transfer forms of these companies sometimes have the look of official forms. These communications as such do not have any legal effect. They do not establish any obligation to pay.

Further information and a (non-exhaustive) list of enterprises which are not connected with the duties and services of the German Patent and Trade Mark Office is available on the website of the German Patent and Trade Mark Office at https://www.dpma.de/english/services/fees/warning_against_misleading_requests/index.html.