



German Patent
and Trade Mark Office

Patents
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at a Glance



Patents

add value to technical inventions

Technical inventions can be protected by patents, if they are new (worldwide), involve an inventive step and are capable of industrial application.

The patent is an industrial property right which gives the patent owner the exclusive right to exploit an invention within a period of up to 20 years. No other person may, without the owner's consent, use the patented invention, that means manufacture, offer for sale, put on the market or import products protected by the patent or use patented processes.

Patents can be granted for inventions from all fields of technology. However, patent protection is not available for, inter alia:

- mere discoveries,
- scientific theories,
- mathematical methods,
- plans, rules and methods for performing mental acts,
- business activities, such as organisation schemes,
- computer programs as such.

To obtain patent protection, an application must be filed with the German Patent and Trade Mark Office. It must contain a comprehensive description of the invention so that a person skilled in the art can understand it and carry it out. The examination as to patentability will be carried when a request for examination has been filed at the German Patent and Trade Mark Office and the examination fee has been paid.

Utility Models

Easy, low-cost and fast protection for inventions

Technical inventions which are new and industrially applicable can be protected by a utility model right if they involve inventiveness.

Utility models are available for all fields of technology for which patent protection is available, with the exception of processes (such as manufacturing or working processes).

Similar to a patent, a utility model gives its owner the right to exclude unauthorised persons from using the invention for up to 10 years.

Utility model applications must be filed in writing with the German Patent and Trade Mark Office together with a description of the invention. Since, contrary to a patent, the subject-matter of a utility model application is not examined for novelty and inventiveness, the applicant can obtain a registered utility model within a few months against payment of a small fee.

A detailed examination covering all requirements for protection will only be carried out if a third party challenges the utility model by filing a request for cancellation. If you wish to assess the validity of your utility model in advance, you can request us to conduct a payable search and ascertain the relevant publications.

Trade Marks

Badges of origin, labels of quality, advertising signs

Trade marks are signs which are used to distinguish the goods and/or services of one business from those of others. Words, images, combinations of word and figurative elements, acoustically perceivable signs, three-dimensional configurations, colours or other signs can be registered as trade marks to the extent that they are suitable for graphic representation. The term of protection is 10 years. It can be renewed indefinitely.

A trade mark will be registered if there are no absolute grounds for refusal. It is not possible to register signs or indications which are merely descriptive of the kind, quality or other properties and features of the goods or services applied for.

The registration of the trade mark confers an exclusive right to its owner. He or she can prohibit third parties from using an identical or similar sign, likely to cause confusion, in respect of identical or similar goods or services. Where applicable, the owner may claim damages. However, you cannot generally prohibit descriptive use of a sign as an indication of the properties or features of goods or services.

Owners of earlier trade marks can challenge a trade mark within a period of three months after publication of the trade mark registration. If the opposition is successful, the later trade mark will be cancelled.

Designs

Protection of the visual features of a product

Designs protection covers the outward appearance of two-dimensional or three-dimensional articles. Protection is available for shapes, patterns and/or colour configurations of products (for example, textiles and furniture).

When a design has been registered, the applicant has the exclusive right of use. He or she can prohibit third parties from using it without his or her consent. He or she alone is entitled to manufacture, offer for sale, put on the market, export, import or use the product in which the registered design is incorporated or to which it is applied.

The application for registration must include a photographic or other graphical representation of the design. Up to 100 designs may be combined in one application provided that the designs can be classified in at least one common class of goods.

Designs protection will only come into effect if the design is new and has individual character at the time of filing the application. The design will be entered in the Designs Register without examination of the novelty and individual character criteria. These requirements for protection will be examined by the civil courts in case of litigation.

Designs protection becomes effective on the date of entry of the design in the Designs Register. Protection can be maintained for up to 25 years from the application date.

Addresses, Telephone Numbers

Deutsches Patent- und Markenamt

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Information and search

Online

The following information is available on the Internet pages of the DPMA:

DPMAregister

Register and publication data on patents, utility models, trade marks and designs.

<http://register.dpma.de>

DPMAkurier

Subscription to patent gazette, trade mark journal and designs gazette; monitoring of the legal status of IP rights, publication of which is obligatory.

DEPATISnet

Search database for patent documents from all over the world. <http://depatisnet.dpma.de>

If you require assistance in using our databases please contact datenbanken@dpma.de or +49 (0) 89 2195-3435.

Public search rooms in Munich and Berlin

- Extensive technical library
- Staff assist users in performing searches
- File inspection
- Workshops on searches in DPMA databases

Enquiries

Phone, write to or visit the Enquiry Unit for information on the

- legal status
- filing routes and procedural steps
- first time consultancy for inventors by a patent attorney

Fees (excerpt)

Patents

Application fee for paper filing (including up to 10 claims)	60 Euro
extra fee for each additional claim	30 Euro
Application fee for online filing (including up to 10 claims)	40 Euro
extra fee for each additional claim	20 Euro
Examination request (no patent grant without examination)	350 Euro
Annual fees have to be paid as from the third year after the filing date.	

Utility models

Application fee (including a term of protection of three years) registration without examination of novelty and inventiveness	40 Euro
Application fee for online filing	30 Euro

Trade marks

Application (fee for three classes of goods and/or services including a term of protection of ten years)	300 Euro
Application fee for online filing	290 Euro
extra fee for each further class of goods or services	100 Euro

Designs

Single application (including a term of protection of five years)	70 Euro
Application fee for online filing	60 Euro
Multiple application (up to 100 designs may be filed in one application) for each design	7 Euro
minimum fee	70 Euro
Application fee for online filing per design	6 Euro
minimum fee	60 Euro

The leaflet "Information Concerning Costs, Fees and Expenses" contains a detailed list of the fees charged by the DPMA. You can obtain free copies from the enquiry unit. It is also available on our Internet site www.dpma.de.