



Patents

Utility Models

Trade Marks

Designs

at a Glance

Patents

add value to technical inventions

Technical inventions may 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 his invention within a period of up to 20 years. No other person may, without the owner's consent, use the patented invention, for instance, by making, offering for sale, putting on the market or importing products protected by the patent or using patented processes.

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

- mere discoveries,
- scientific theories,
- mathematical methods,
- plans, rules and methods for performing mental acts,
- games,
- business activities, eg. organisation schemes

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 is carried out upon the filing of a request, which is subject to a fee, with the German Patent and Trade Mark Office.

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 (eg. manufacturing processes or uses).

Similar to a patent, a utility model gives its owner the right to exclude unauthorised persons from using his 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 2 to 3 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 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. You can register words, images, sounds, shapes, colours and other signs as trade marks, provided that they can be represented graphically. 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 proprietor. He 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, he may claim damages and demand the destruction of infringing articles. However, you cannot generally prohibit descriptive use of a sign as an indication of the properties or features of goods or services.

Holders of trade marks with earlier priority 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 (eg. fabrics, furniture, etc.).

When a design has been registered, the applicant has the exclusive right of use. He can prohibit third parties from using it without his consent. He alone is entitled to manufacture, offer, 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. It can be maintained for up to 25 years from the application date.

Addresses, Telephone Numbers

Deutsches Patent- und Markenamt
Zweibrückenstraße 12, 80331 München, Germany

Switchboard Operator	+49 (0) 89/21 95-0
Fax	+49 (0) 89/21 95-22 21
Public Search Room	+49 (0) 89/21 95-25 04
Enquiry Unit	+49 (0) 89/21 95-34 02
Helpline for Database Users	+49 (0) 89/21 95-34 35

Deutsches Patent- und Markenamt,
Dienststelle Jena, Goethestraße 1,
07743 Jena, Germany

Switchboard Operator	+49 (0) 36 41/40-54
Fax	+49 (0) 36 41/40-56 90
Enquiry Unit	+49 (0) 36 41/40-55 55 or -56 66

Deutsches Patent- und Markenamt
Technisches Informationszentrum Berlin
Gitschiner Straße 97, 10969 Berlin, Germany

Switchboard Operator	+49 (0) 30/2 59 92-0
Fax	+49 (0) 30/2 59 92-404
Public Search Room	+49 (0) 30/2 59 92-2 30 or -2 31
Enquiry Unit	+49 (0) 30/2 59 92-2 20 or -2 21

Deutsches Patent- und Markenamt
Zweibrückenstr. 12
80331 München, Germany
E-Mail: info@dpma.de

www.dpma.de

Information and Search

Online

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

DPMAregister – register and publication data on German trade marks and indications of geographical origin (applications only). <http://register.dpma.de>

DPINFO – register of patents, utility models and designs as well as current legal status information on these types of IP. <https://dpinfo.dpma.de>

*This service will presumably be discontinued and replaced by **DPMAregister** at the end of 2009 with regard to designs and in 2010 with regard to patents/utility models.*

DPMApublikationen – Patentblatt (patent gazette), Markenblatt (trade mark journal) and Geschmacksmusterblatt (designs gazette), patent documents.

<http://publikationen.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.

<http://publikationen.dpma.de>

DEPATISnet – search database for patent documents from all over the world. <http://depatismet.dpma.de>

If you require assistance in using our databases please contact datenbanken@dpma.de or +49 (0) 89/21 95-34 35.

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

Applications on paper containing up to 10 claims	60 €
for the 11 th und each subsequent claim	30 €
Electronic applications containing up to 10 claims	40 €
for the 11 th und each subsequent claim	20 €
Examination request (no patent grant without examination)	350 €

Annual fees have to be paid as from the third year after the filing date

Utility models

Application (including a term of protection of three years) registration without examination of novelty and inventiveness	40 €
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Trade marks

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

Designs

Single application (including a term of protection of five years) design	70 €
Multiple application (up to 100 designs may be filed in one application) for each design minimum fee	7 € 70 €

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 Units. It is also available on our Internet site at:

www.dpma.de/docs/service/formulare/allgemein/a9510.pdf