



Information sheet on IPR applications (patents and utility models)

1. Patent application and patent

A patent on an application filed with the German Patent Office in Munich is only granted after a successful examination of novelty and inventive step. Within 7 years of the filing date, a request for examination must be filed with the Patent Office (office fee € 350,-). A search report on older, close-by printed documents can be requested beforehand (office fee € 300,-). If the examiner considers the application to be patentable (the examiner sends examination decisions to be answered), the patent is granted. Third parties may oppose the grant of the patent within 9 months. 18 months after the filing date, the patent application is disclosed in the form of a disclosure document. This is only a manifestation of the patent application, which has no substantial protective effect. For patent applications and patents renewal fees are payable from the beginning of the third year of the term, calculated from the filing date. These initially amount to € 70,-, but progressively increase to € 2.030,- in the 20th year (the last year of the patent term).

2. Utility model application and utility models

The utility model is intended for the protection of minor inventions. It is registered in the utility model roll about six months after the filing date without substantive examination as to novelty and level of invention. The utility model is thus an unchecked property right. It follows that infringers can only be prosecuted after being satisfied of the legal validity of the utility model. A search report can be requested from the Patent Office (office fee € 250,-). The utility model is registered for a period of three years and may be renewed for a period of three years, then for a further two years each (maximum term of 10 years) against payment of renewal fees.

An application for registration of a utility model with the same content may be made for a previous patent application or for a patent granted thereon.

3. Novelty requirement

Before filing a patent application, the invention must not have been shown to the public! Otherwise, the necessary novelty is lacking. A description or use of the invention made within six months before the filing of a utility model application is disregarded if it is based on the preparation of the applicant or his predecessor in title (novelty period).

4. Supplementary post-registrations

Within one year after the filing date, the patent application and the utility model application may be re-applied for by additional inventive features.

A utility model application with the same content may be filed after the patent application, either within 10 years or – if the patent application or patent expires earlier – within two months of the expiry of the patent or patent application.

Within one year of filing the utility model application, an identical or extended patent application may also be filed.

5. Patent application abroad

Abroad, both individual applications and multi-country applications (European patent application or PCT application) are possible. If the foreign application is filed within one year of the filing date in Germany, it is possible to request that the German filing date period be taken into account for the foreign application (priority claim). If the priority year has passed, it may still be possible to register abroad for a further 6 months. A priority claim is then no longer possible.

Only a few important aspects to be considered are mentioned above. You will need further advice in each individual case.

6. Which information is used for the preparation of a patent or Utility model registration required?

- 6.1. What state of the art are you assuming?
- 6.2. What is the state of the art problem?
- 6.3. What is the idea behind your new idea?
- 6.4. What are the benefits of your new idea?
- 6.5. Are there further developments to your main idea? Under further developments we understand such features that are not mandatory for the functioning Their actual idea is, but “nice to have” or generate additional benefits.
- 6.6. What are the benefits of these developments?
- 6.7. In your view, are there parallel or equivalent ways in which your Main idea could possibly be circumvented?
- 6.8. Is there a design or prototype or an overview of the overall product that reflects the main idea and some/all of the above developments has.
- 6.9. Sketches/drawings of the idea. If the sketch is not self-explanatory or understandable by itself to a patent attorney who does not deal with your technology on a daily basis, we ask that all parts of the drawing that might somehow be of interest to the invention be designated by their technical terms.