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search term

Questions around Patents



Here you will find a selection of frequently asked questions on patent protection

- + What is a 'patent claim'?
- + What is the 'description' of the invention?
- + What should be considered about drawings as an element of the application documents?
- + What must be contained in the abstract of the documents of the patent application?
- + What time limits apply to the procedure before the DPMA?
- + What can I do if I have failed to comply with a time limit?
- + How is the time limit for submitting a German translation of English or French applications calculated pursuant to section 35a (2) of the Patent Act?
- + What effect does an English or French abstract have on the time limits for submitting a German

translation pursuant to Section 35a of the Patent Act?

- + Why do I need to designate the inventor?
- + What is a 'preliminary examination' of the application?
- + What is the first publication of the patent application (*Offenlegungsschrift*)?
- + What happens during the patent examination procedure?
- + How long does it take to grant a patent?
- + What legal remedies are available?
- When can I claim priority?

The date of receipt of the patent application is also referred to as the "date governing the filing or priority date". If an applicant has filed an application for the same invention in Germany at an earlier date, it is possible to claim priority of the earlier application (domestic priority). That means that the second application will be given the priority date of the earlier application. The second application must be filed within twelve months from the earlier application.

A domestic priority may be claimed, for example, if the original invention has been further improved. During the examination procedure, it is not allowed to add anything to the invention. This is why a further development of the invention, an improvement or an alternative may only be protected in a fresh application. You may claim priority for an application in Germany from a previous foreign application or use a German priority for a later application outside Germany as long as the later application is filed within twelve months. To obtain priority from the earlier application, you must give, on your own initiative, the file number of the original application. If you wish to claim priority of a foreign application you must give the date, country, file number of the earlier application and submit a copy of the earlier application.

- ✚ Do I need a lawyer or patent attorney to file an application?
- ✚ Is it allowed to give the signature with a signature card of other members of staff of the law firm (not a lawyer/patent attorney) if an application is filed online by a lawyer or patent attorney via DPMAdirekt or epoline?
- ✚ How do I exploit my patent? Where can I find advice and funding schemes?
- ✚ Has the DPMA received payment of the annual renewal fee for my patent and has the payment been processed?
- ✚ May I use/copy a patent document (text and drawings) for my research paper or a presentation? Are patent documents protected by copyright?
- ✚ Complete collections of patent documents are frequently offered on the Internet or in small ads. Is this allowed? Are these offers trustworthy?
- ✚ What is a request for re-establishment of rights and what do I have to bear in mind when filing such a request?
- ✚ What fees are charged in the patent procedure?
- ✚ What do I have to consider with regard to the payment of fees?
- ✚ What happens if I have not paid fees in due time or in full?

Do you have any further questions?

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