

99081001104000

Protection as design, design application

Heruntergeladen am 03.07.2025

<https://fimportal.de/xzufi-services/584613/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99081001104000
Leistungsbezeichnung I	Protection as design, design application
Leistungsbezeichnung II	Applying for a design
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	designs register, patent application, property right, utility model application, patent extension, patent registration, property rights, utility model registration, design, word mark protection, design application, trade mark registration, property right area
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	
Verrichtungskennung	Anmeldung (104)
SDG-Informationsbereich	

Modul	Sachverhalt
Lagen Portalverbund	Patente und geistiges Eigentum (2100500)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	18.03.2022
Fachlich freigegeben durch	German Patent and Trade Mark Office [Deutsches Patent- und Markenamt, DPMA]
Handlungsgrundlage	https://www.gesetze-im-internet.de/geschmng_2004/BJNR039010004.html https://www.gesetze-im-internet.de/designv/ https://www.gesetze-im-internet.de/geschmng_2004/BJNR039010004.html https://www.gesetze-im-internet.de/designv/
Teaser	<p>Designs that are new and have individual character can be protect-ed as a registered design at the German Patent and Trade Mark Office [Deutsches Patent- und Markenamt, (DPMA)].</p>
Volltext	<p>Registered designs protect the appearance of industrial or handicraft products, for example</p> <ul style="list-style-type: none"> • clothing • furniture • vehicles • fabrics • ornamental objects or • graphic symbols. <p>Parts of products can also be protected as registered designs, for example the sole of a sports shoe or the cap of a writing instrument. General ideas, concepts or design principles cannot be protected.</p> <p>With a registered design, the DPMA grants a temporary monopoly on the appearance, i.e. the external shape and colour design of a product. The design representations you submit are therefore particularly important, because only that which is apparent from the representations is protected.</p> <p>Protection is obtained by the design being entered in the register kept by the DPMA. It applies throughout</p>

Modul

Sachverhalt

the territory of the Federal Republic of Germany. As the owner of a registered design, you have the exclusive right to use the design. You may prohibit others from using your design in the manufacture, sale or import and export of products. This also means that you, as the design owner, can take action against any design that does not produce on the informed user an overall impression that is different from that produced by your registered design.

When you apply for a design, it is examined whether:

- the application meets the legal requirements, in particular whether the representation meets the formal requirements, and
- the design applied for is capable of being designed, i.e. whether it shows the specific shape and colour of a product. The design must be compatible with public order and morality and must not constitute an improper use of national emblems or other signs of public interest.

However, it is not examined whether the design applied for also meets the other substantive requirements for protection - for example, with regard to the novelty and individual character of the design. A design is therefore registered even if one or more of these requirements for protection are missing. However, design protection only arises if the design is novel and has individual character at the time of application. However, these requirements for protection are only examined in the event of a dispute in invalidity proceedings before the DPMA or in infringement proceedings before the courts.

If your design is registered, the protection is valid for 5 years. You can then extend the protection up to four times by paying the maintenance fees on time. In total, you can protect your design for a maximum of 25 years.

Erforderliche Unterlagen

- Application for registration of a design containing specific information about the applicant.
- Representation of the design suitable for publication (e.g. a pictorial representation).

Modul	Sachverhalt
	<ul style="list-style-type: none"> • Indication of the products in which the design is to be used. • For multiple applications additionally: attachment sheet to the application for registration of a design. https://www.dpma.de/docs/formulare/designs/r5703_2.pdf
Voraussetzungen	<ul style="list-style-type: none"> • The design applied for is capable of being designed (the specific shape and colour of a product is shown). • The design is compatible with public order and morality. State emblems or other signs of public interest may not be misused. • If you do not reside in Germany and you do not have a registered office or an establishment in Germany, you will need a lawyer or patent agent authorised in Germany to represent you.
Kosten	<p>Gebühr: 180€ Gebühr: 120€ Gebühr: 6€ Gebühr: 90€ Gebühr: 70€ Gebühr: 3€ Gebühr: 60€ Gebühr: 7€ Gebühr: 30€ Gebühr: 150€</p> <ul style="list-style-type: none"> • Applying for a design (electronically): EUR 60 • Applying for a design (in paper form): EUR 70 • Multiple application (electronically): EUR 6 per design, EUR 60 minimum • Multiple application (in paper form): EUR 7 per design, EUR 70 minimum <p>Maintenance fees:</p> <ul style="list-style-type: none"> • 6th to 10th year of protection: EUR 90 • 11th to 15th year of protection: EUR 120 • 16th to 20th year of protection: EUR 150 • 21st to 25th year of protection: EUR 180
Verfahrensablauf	<p>You can apply for your design in writing or electronically.</p> <p>If you would like to apply for your design in writing:</p>

Modul

Sachverhalt

- Please download the application form for the application of a design and - in the case of multiple applications - if applicable, the attachment sheet, and fill in both.
- Enclose all necessary documents and submit your request to the DPMA in person or by post (not by fax). Please be sure to observe the legal requirements and the specifications for the representation of your design. The application must include information on the applicant, the representation of the design and the product description
- You will then receive confirmation of receipt.
- Transfer the registration fees within 3 months.
- Your application will only be examined in the course of processing at the design office of the DPMA. The DPMA will clarify whether all information and documents required for the application have been received. It is mandatory to provide information on the applicant, the representation of the design and the product description. It is established whether the application meets the legal requirements, in particular whether the representation meets the formal requirements. The DPMA will also examine whether the design applied for is capable of being designed, i.e. whether it shows the specific shape and colour of a product. General ideas, concepts or design principles cannot be protected. The design must be compatible with public order and morality and must not constitute an improper use of national emblems or other signs of public interest.
- If all requirements are met, the design office will enter your application in the register. The registration is published on the publication platform DPMAregister and in the electronic design journal. Design protection begins with entry in the design register.
- To maintain protection, you must pay the maintenance fees in time by the end of each protection period (5 years). However, you may only protect your design for a maximum of 25 years.

If you wish to apply for registration electronically:

- For applications of up to 10 designs, you can submit your request via the DPMAdirektWeb service; it is then

Modul
Sachverhalt

valid without signature and without electronic signature.

- If you wish to register more than 10 designs, please use the free service DPMAdirektPro.
- You will need: a signature card with a corresponding card reader (providers can be found via the Federal Network Agency [Bundesnetzagentur]) and the DPMAdirektPro application software in order to create and validate the application documents
- Pay the application fee without being specifically request-ed.
- You will then receive confirmation of receipt.
- The DPMA will then examine, as described above, whether your design can be registered.

Bearbeitungsdauer

2 - 4 Woche(n)
 3 - 4 Monat(e)
 • 2 to 4 weeks • For applications with deficiencies: 7 to 8 months

Frist

- Application for design protection: maximum 12 months after the first publication ("disclosure") of your design
- Payment of the application fee: within 3 months of receipt of the application
- Payment of the maintenance fee: at the latest by the end of each protection period (5 years from the filing date)

weiterführende Informationen

<https://www.dpma.de/docs/formulare/designs/r5704.pdf>
https://www.dpma.de/docs/dpma/veroeffentlichungen/2/bro_design_dt.pdf
<https://www.dpma.de/docs/formulare/allgemein/a9510.pdf>
<https://www.dpma.de/docs/formulare/designs/r5706.pdf>
https://www.dpma.de/service/elektronische_anmeldung/dpmadirekt/index.html
<https://www.bundesnetzagentur.de/DE/Service-Funktionen/ElektronischeVertrauensdienste/QualifizierteVD/QualifizierteSignatur/WasbenoetigtmanzurSignatur/DieSignaturkarte/diesignaturkarte-node.html>
<https://www.dpma.de/recherche/dpmaregister/index.html>
<https://www.dpma.de/docs/formulare/designs/r5704.pdf>

Modul

Sachverhalt

<https://www.dpma.de/designs/anmeldung/index.html>
https://www.dpma.de/docs/dpma/veroeffentlichungen/2/bro_design_dt.pdf
<https://www.dpma.de/docs/formulare/allgemein/a9510.pdf>
<https://www.dpma.de/docs/formulare/designs/r5706.pdf>
<https://www.dpma.de/>

Hinweise

Rechtsbehelf

Kurztext

- Protection as design, design application
- Registered designs protect the external appearance of two or three-dimensional products (for example fabrics or furniture)
- The shape and colour of objects are eligible for protection.
- Registration fee
- Design protection only arises if the design has novelty and individual character at the time of application (it is not examined when the design is entered in the design register).
- Once it has been entered in the design register, the applicant has the exclusive right to use the registered design.
- Design protection can be maintained for up to 25 years
- Relevant body: German Patent and Trade Mark Office [Deutsches Patent- und Markenamt, (DPMA)]

Ansprechpunkt

German Patent and Trade Mark Office [Deutsches Patent- und Markenamt, DPMA]

Customer Care and Services [Zentraler Kundenservice]
Tel.: +49 89 2195-1000

Munich 80297 Munich Tel.: +49 89 2195-4000 Fax: +49 89 2195-2221

Office hours: Monday: 8.00 - 16.00 Friday: 8.00 - 14.00

Document receiving service: Monday to Thursday: 7.30 - 15.00 Friday: 7.30 - 14.00

Modul	Sachverhalt
	<p>Jena Jena office 07748 Jena Fax: +49 3641 40-5690 +49 3641 40-5800</p> <p>Office hours: Monday: 9.00 - 15.30 Friday: 9.00 - 14.00</p> <p>Document receiving service: Monday to Thursday: 8.00 - 16.00 Friday: 8.00 - 14.00</p> <p>Berlin Information and Service Centre Berlin 10958 Berlin Fax: +49 30 25992-404</p> <p>Office hours: Monday: 7.30 - 15.30 Friday: 7.30 - 14.00</p> <p>Document receiving service: Monday to Thursday: 8.00 - 15.45 Friday: 8.00 - 14.15</p> <p>Patent information centres Email: info@piznet.de</p>
Zuständige Stelle	<p>German Patent and Trade Mark Office [Deutsches Patent- und Markenamt, DPMA] Zweibrückenstraße 12 80331 Munich</p> <p>Tel.: +49 89 2195-1000 https://www.dpma.de</p>
Formulare	<p>Forms: Yes Can I apply online? Yes Do I need to apply in writing? Yes Do I need to apply in person? No https://www.dpma.de/docs/formulare/designs/r5703.pdf https://www.dpma.de/service/elektronische_anmeldung/dpmaDirekt/index.html https://direkt.dpma.de/design/</p>
Ursprungsportal	<p>Protection as design, design application, Schutz als Design Anmeldung</p>