

99082008007000

Patentanwaltsgesellschaft Zulassung

Heruntergeladen am 12.06.2025

<https://fimportal.de/xzufi-services/585036/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99082008007000
Leistungsbezeichnung I	Patentanwaltsgesellschaft Zulassung
Leistungsbezeichnung II	Applying for admission of a patent law firm
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	
Verrichtungskennung	Zulassung (7)
SDG-Informationsbereich	Anerkennung von Qualifikationen zum Zwecke der Beschäftigung in einem anderen Mitgliedstaat
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)

Modul	Sachverhalt
Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	18.10.2024
Fachlich freigegeben durch	Federal Ministry of Justice (BMJ)
Handlungsgrundlage	https://www.gesetze-im-internet.de/patanwo/_3.html https://www.gesetze-im-internet.de/patanwo/_52a.html https://www.gesetze-im-internet.de/patanwo/_52i.html https://www.gesetze-im-internet.de/patanwo/_94a.html https://www.gesetze-im-internet.de/patanwo/_159.html https://www.gesetze-im-internet.de/vwgo/_74.html
Teaser	<p>Would you like to work in the field of patent law in Germany with a professional practice company with limited liability or as a foreign professional practice company? Then you need a license from the Chamber of Patent Attorneys.</p>
Volltext	<p>If you wish to set up a professional practice company with limited liability and which is active in the field of patent law, you must apply for a license from the Chamber of Patent Attorneys. This applies, among other things, to</p> <ul style="list-style-type: none"> • Companies with limited liability (GmbH) • Partnership companies with limited professional liability (PartGmbH) • Public limited companies (AG) • European companies (SE) • Limited partnerships (KG, GmbH & Co. KG) • Companies with the corresponding legal form of a state of the European Union or the European Economic Area <p>You do not have to apply for admission to the Chamber of Patent Attorneys to set up a professional practice company without limitation of liability, but you</p>

Modul

Sachverhalt

can do so voluntarily, for example in the case of

- Partnership companies (PartG)
- Companies under civil law (GbR)

In any case, the rights and obligations of the professional regulations laid down by the Chamber apply.

If you want to work in the field of patent law in Germany with a foreign company based in a member state of the World Trade Organization (WTO), you also need a license. In this case, you will provide services in Germany via a domestic branch office.

By founding a patent law firm as a professional practice, you may offer the following activities:

- Advice on inventions, trademarks, designs, know-how, plant variety protection and the like
- Registration of all industrial property rights
- Prosecution of infringements of industrial property rights, unless representation by attorneys-at-law is required
- Representation before
 - the German Patent and Trademark Office
 - the Federal Patent Court
 - the Federal Plant Variety Office
 - other international authorities for the protection of industrial property rights
- Representation before the Federal Supreme Court in nullity proceedings

Erforderliche Unterlagen

- Application for admission as a professional practice company
 - Questionnaire for the application for admission as a professional practice company
 - Proof of professional liability insurance with a minimum sum insured of EUR 2.5 million for each insured event or a provisional cover note in the original. A minimum insurance sum of EUR 1 million is sufficient if no more than 10 persons practice their profession in the company.

Modul

Sachverhalt

- for non-lawyer partners and members of management and supervisory bodies: membership certificates from the relevant chambers or printouts from electronic membership directories or suitable proof of membership of a liberal profession
 - if the company is already registered: current extract from the register
 - possibly articles of association on request
 - Copy of the identity cards of non-patent attorney shareholders and members of management and supervisory bodies
 - Approval of the shareholder if a legal entity assumes a shareholder function
 - Proof of payment of the administrative fee

Voraussetzungen

Admission of companies based in Germany, the EU, the EEA or Switzerland where no natural person is liable.

- It is a limited liability company whose corporate purpose is to advise and represent clients in patent attorney matters.
- Shareholders are active in the company and come from one of the following professional groups:
 - Members of the Chamber of Patent Attorneys
 - Attorneys at law
 - Tax consultants
 - Tax agents
 - Certified public accountants
 - Sworn auditors and accountants
 - liberal professions
- The articles of association stipulate that partners who seriously or repeatedly violate obligations under the PAO or the professional code of conduct may be excluded.
- The capital structure of the company meets the following requirements:
 - If other companies are involved in the company, these are either licensed professional practice companies or a civil law company whose sole purpose is to hold shares in a licensed professional practice company.
 - The transfer of company shares must be subject to

Modul

Sachverhalt

the approval of the shareholders' meeting. In the case of public limited companies or partnerships limited by shares, the shares must be registered.

- Shares in the professional practice company may not be held for the account of third parties. Third parties may not participate in the profits of the professional practice company.

- The members of the management are exclusively
 - Attorneys-at-law,
 - Patent attorneys and patent attorneys,
 - tax advisors and tax consultants,
 - tax agents,
 - certified public accountants and auditors,
 - sworn auditors or members of the liberal professions.

- Members of the liberal professions.
- They do not fulfill any of the possible grounds for refusal and have not been disqualified from representing a professional practice firm and managing its business or performing the supervisory functions of a professional practice firm.

- The management consists of a number of patent attorneys authorized to represent the company.

- The independence of the patent attorneys is guaranteed if they manage the company or represent the company in any other way.

- The company is not in a state of financial collapse.

If the company bears the name Patentanwaltsgesellschaft, patent attorneys hold the majority of voting rights and constitute the majority of the members of the management body.

- There is professional liability insurance with a minimum sum insured of EUR 2.5 million per insured event or a provisional cover note. The maximum annual benefit for all damages caused in an insurance year is at least four times the minimum sum insured. If no more than 10 persons work as patent attorneys or in a liberal profession, the minimum sum insured is EUR 1 million.

Modul

Sachverhalt

The following additional requirements and special features apply to the admission of foreign companies domiciled in a WTO member state:

- The company is authorized to provide legal services under the law of the state in which its registered office is located.
- Its shareholders are
 - Patent attorneys and patent attorneys,
 - attorneys at law,
 - tax advisors and tax consultants,
 - tax agents,
 - auditors and certified public accountants.
- The German branch office has its own management, which can represent the company and has sufficient powers to ensure compliance with professional law in relation to the German branch office.
- The authorization to provide legal advice and representation in German patent law only exists if
 - at least one patent attorney is a partner in the branch office and
 - the management of the German branch office includes a number of patent attorneys authorized to manage and represent the company.

Kosten

Verwaltungsgebühr: 500€

Administrative fee for processing the application for admission of companies domiciled in Germany, the EU, an EEA state or Switzerland.

Zahlung nur mit Vorkasse

<https://patentanwalt.de/files/pak/pdf/kammer/Verwaltungsgebuehrenordnung.pdf>

Verwaltungsgebühr: 200€

Surcharge on the management fee for more than 10 shareholders for up to 10 additional persons each in the case of admission of companies domiciled in Germany, the EU, an EEA state or Switzerland

Zahlung nur mit Vorkasse

<https://patentanwalt.de/files/pak/pdf/kammer/Verwaltungsgebuehrenordnung.pdf>

Verwaltungsgebühr: 1.100€

For foreign professional practice companies:

Administrative fee for processing the application for admission of foreign companies domiciled in a WTO

Modul	Sachverhalt
	<p>member state.</p> <p>https://patentanwalt.de/files/pak/pdf/kammer/Verwaltungsgebuehrenordnung.pdf</p> <p>Verwaltungsgebühr: 300€</p> <p>For foreign professional practice companies: Surcharge on the management fee for more than 10 partners for up to 10 additional persons each in the case of admission of foreign companies domiciled in a WTO member state.</p> <p>https://patentanwalt.de/files/pak/pdf/kammer/Verwaltungsgebuehrenordnung.pdf</p>
Verfahrensablauf	<p>You must submit the application for admission to the Patentanwaltsgesellschaft in writing by post.</p> <ul style="list-style-type: none"> • Download the application form from the website of the Chamber of Patent Attorneys. • Send the completed form with all required signatures and supporting documents to the Patentanwaltskammer's PO box. • The Chamber of Patent Attorneys will check whether you have fulfilled all the requirements for admission. • If the result of the examination is positive, you will receive a certificate of admission to the Patentanwaltsgesellschaft. • Admission as a patent law firm becomes effective upon delivery of the certificate.
Bearbeitungsdauer	<p>2 Monat(e)</p> <p>As a rule, you will receive the examination result within 2 months of applying.</p>
Frist	There is no deadline.
weiterführende Informationen	<p>https://patentanwalt.de/files/pak/pdf/pa/berufsbild/16_03_Mehr_zu_den_Taetigkeiten_der_PAs.pdf</p> <p>https://www.patentanwalt.de/files/pak/pdf/pa/zulassung/22_08_Hinweise_zur_Zulassung_von_Berufsaus%C3%BCbungsgesellschaften.pdf</p> <p>https://www.patentanwalt.de/files/pak/pdf/pa/berufsbild/18_03_Mehr_zum_Berufsbild.pdf</p>
Hinweise	<p>The following information is available:</p> <p>If you are already generally licensed as a professional practice with a bar association, under certain</p>

Modul

Sachverhalt

conditions you do not need a separate license with the Chamber of Patent Attorneys. Further information can be found in the instructions for completing the application for admission.

Rechtsbehelf

- The applicant can take legal action against a negative decision within one month of notification by way of an action to compel compliance.
- If no decision is made on the application for approval within three months without sufficient reason, the applicant may bring an action for failure to act.

Kurztext

- Patent attorney company admission
 - Admission requirement for patent attorney companies with limited liability and foreign companies, for example:
 - GmbH
 - PartGmbB
 - PLC
 - SE
 - KG, GmbH & Co. KG
 - corresponding legal forms of the EU/EEA states
 - foreign companies that have their registered office in a WTO member state
 - no licensing requirement for partnerships not subject to limited liability to which only partners and members of the management and supervisory bodies belong:
 - Lawyers,
 - Patent attorneys and patent attorneys,
 - tax consultants,
 - tax agents,
 - certified public accountants or
 - sworn auditors.
 - Partnerships without limited liability are, for example
 - Partnership company (PartG)
 - Civil law partnership (GbR)
- responsible: Chamber of Patent Attorneys (PAK)

Ansprechpunkt

Zuständige Stelle

Formulare

Modul	Sachverhalt
Ursprungsportal	Patentanwaltsgesellschaft Zulassung, Patentanwaltsgesellschaft Zulassung