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Applying for legal aid (IP rights) at the Deutsches Patent- und Markenamt (German Patent and Trade Mark Office)

Heruntergeladen am 29.06.2025

<https://fimportal.de/xzufi-services/6000070-99046008000000/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99046008000000
Leistungsbezeichnung I	Applying for legal aid (IP rights) at the Deutsches Patent- und Markenamt (German Patent and Trade Mark Office)
Leistungsbezeichnung II	Applying for legal aid (IP rights) at the Deutsches Patent- und Markenamt (German Patent and Trade Mark Office)
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	

Modul	Sachverhalt
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	• §§ 130 bis 138 Patentgesetz (PatG)
Teaser	<p>Fees are incurred for proceedings in connection with property rights and their maintenance (e.g. for patent examination proceedings, opposition proceedings or renewal fees). Additional costs may be incurred if you seek advice or representation from a patent attorney. Not everyone has sufficient means to cover these costs themselves. To ensure that economically disadvantaged people also have the opportunity to protect their inventions, it is possible to apply for legal aid.</p>
Volltext	<p>Legal aid before the German Patent Office pursuant to sections 130 et seq. Patentgesetz (PatG)</p> <p>Fees are incurred for proceedings in connection with property rights and their maintenance (e.g. for patent examination proceedings, opposition proceedings or renewal fees). Additional costs may be incurred if you seek advice or representation from a patent attorney. Not everyone has sufficient means to cover these costs themselves. To ensure that economically disadvantaged people also have the opportunity to protect their inventions, it is possible to apply for legal aid.</p> <p>It can be granted to the applicant for an IP right, but also to a third party (for example, someone who wishes to file an opposition against the grant of a patent).</p>

Modul
Sachverhalt

The amount of legal aid (VKH) depends on your personal and financial circumstances.

Notes:

- In addition to legal aid, there is also the possibility of deferment or remission in the case of renewal fees for patents.
- No legal aid is granted for proceedings under the Trade Mark Act.

Erforderliche Unterlagen

Proof of personal and financial circumstances (e.g. proof of income)

Voraussetzungen

You can receive legal aid if you

- are unable to pay the costs of ongoing proceedings yourself due to your personal and financial circumstances or
- can only pay them in part or in instalments. You must provide appropriate proof of this.

In addition, the project you are seeking must have a reasonable prospect of success.

As a third party, you must prove that you have an interest worthy of protection.

Kosten

none

Verfahrensablauf

- The application for legal aid is made informally in writing to the Deutsches Patent- und Markenamt.
- The application must state the proceedings for which you require assistance.

Please note! You must apply for legal aid separately for each stage of the procedure (e.g. patent application, patent examination procedure)!

- Submit the application and the required documents to the above-mentioned departments.
- The department responsible will check whether you are entitled to legal aid on the basis of your personal

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	<p>and financial circumstances.</p> <ul style="list-style-type: none"> • If you are granted legal aid, the costs of the proceedings and legal assistance will be covered in full or in part by the state.
Bearbeitungsdauer	
Frist	<p>You should submit your application for legal aid before the payment deadline for the fee in question expires - the deadline will then be suspended. This means that you do not have to pay anything until a decision has been made on your application for legal aid.</p>
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	