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Property rights proceedings (patents, trade marks), lodging complaints

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<https://fimportal.de/xzufi-services/6000072/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99092006000000
Leistungsbezeichnung I	Property rights proceedings (patents, trade marks), lodging complaints
Leistungsbezeichnung II	Property rights proceedings (patents, trade marks), lodging complaints
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	

Modul	Sachverhalt
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	
Fachlich freigegeben durch	
Handlungsgrundlage	• §§ 73 bis 80 [Patentgesetz](http://www.gesetze-im-internet.de/patg/index.html) (PatG) • §§ 66 bis 71 [Markengesetz](http://www.gesetze-im-internet.de/markeng/index.html) (MarkenG) • § 23 [Geschmacksmustergesetz](http://www.gesetze-im-internet.de/geschmmg_2004/index.html) (GeschmMG) • § 18 [Gebrauchsmustergesetz](http://bundesrecht.juris.de/gebrmg/index.html) (GebrMG)
Teaser	You can lodge an appeal against decisions in property right proceedings - for example, if a patent has been rejected in the examination procedure. You file your appeal with the Deutsches Patent- und Markenamt (DPMA).
Volltext	You can lodge an appeal against decisions in property right proceedings - for example, if a patent has been rejected in the examination procedure. You file your appeal with the Deutsches Patent- und Markenamt (DPMA).
Erforderliche Unterlagen	
Voraussetzungen	You have received a decision in proceedings before the Deutsches Patent- und Markenamt (DPMA) concerning the grant or rejection of a patent, utility model, trade mark or design and wish to lodge an appeal against it.
Kosten	varying **Note:** Depending on which decision you appeal against, different fees will be charged. Further information can be found in the information on legal

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remedies enclosed with every decision of the Patent and Trade Mark Office. In addition, the patent court may also decide that one of the parties involved must bear all or part of the procedural costs.

Verfahrensablauf

- File an informal written complaint with the Deutsches Patent- und Markenamt (DPMA).
- It is also possible to lodge an appeal online, but certain conditions must be met.
- The Deutsches Patent- und Markenamt (DPMA) will decide whether your appeal will be upheld.
- If your appeal is not upheld, the Deutsches Patent- und Markenamt (DPMA) will forward it to the Bundespatentgericht (Federal Patent Court).

Proceedings Before the Bundespatentgericht

- A file on the appeal proceedings is opened at the Bundespatentgericht, handed over to the appeal panel and used as the basis for its decisions.
- All parties involved in the proceedings can make statements.
- The decision of the Appeals Senate is announced in writing.
- If the appeal panel decides in your favour and you wish to take legal action against this decision, you can appeal to the Bundesgerichtshof (Federal Court of Justice) as the next instance.

****Note:**** As a rule, appeal proceedings are conducted in writing. Oral hearings are the exception and only take place if one of the parties involved requests them, evidence needs to be taken or the court considers an oral hearing to be relevant.

However, most decisions are made on the basis of oral hearings.

There is no obligation to be represented by an attorney, but in many cases it is advisable to consult a patent attorney or attorney-at-law.

Modul	Sachverhalt
	You can search for a patent attorney in your area on the Internet portal of the Chamber of Patent Attorneys. You can also contact attorneys via the website of the Saxony Bar Association.
Bearbeitungsdauer	
Frist	In property right proceedings, you have the option of lodging an appeal with the examining section within one month of notification of the decision.
weiterführende Informationen	
Hinweise	
Rechtsbehelf	
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	