

99092003024000

# Register a patent

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<https://fimportal.de/xzufi-services/6000074/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99092003024000
Leistungsbezeichnung I	Register a patent
Leistungsbezeichnung II	Register a patent
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

Modul	Sachverhalt
Fachlich freigegeben durch	
Handlungsgrundlage	<ul style="list-style-type: none"> <li>• § 32 [Patentgesetz](<a href="http://www.gesetze-im-internet.de/patg/index.html">http://www.gesetze-im-internet.de/patg/index.html</a>) (PatG) – Offenlegung</li> <li>• §§ 34, 36, 37 und 38 PatG – Einhaltung der Formvorschriften</li> <li>• § 42 PatG – Offensichtlichkeitsprüfung</li> <li>• § 43 PatG – Recherche</li> </ul>
Teaser	Applying for a patent is an effective way of protecting your invention against unauthorised use by third parties.
Volltext	<p>#### Application for the grant of a patent pursuant to sections 34 et seq. Patentgesetz (PatG)</p> <p>Applying for a patent is an effective way of protecting your invention against unauthorised use by third parties.</p>
Erforderliche Unterlagen	<ul style="list-style-type: none"> <li>• Application for the grant of a patent</li> <li>• Designation of the inventor</li> <li>• Disclosure of the patent (description of the invention, patent claims, drawings) <ul style="list-style-type: none"> <li>• abstract</li> </ul> </li> <li>• Models and samples, if applicable</li> </ul> <p><b>**Tip:**</b> Detailed information on how to prepare the documents can be found in a leaflet which can be downloaded from the DPMA Internet portal.</p>
Voraussetzungen	<ul style="list-style-type: none"> <li>• Novelty: The invention must not belong to the state of the art.</li> <li>• Inventive step: A person skilled in the relevant technical field must not readily come up with the corresponding solution.</li> <li>• Industrial applicability</li> </ul>
Kosten	<p>#### Registration and Research Fee</p> <ul style="list-style-type: none"> <li>• for written registration: EUR 60.00</li> <li>• for electronic application: EUR 40.00</li> <li>• Search request fee (if applicable): EUR 300.00</li> </ul>

## Modul

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- Application fee: Payment within 3 months after application

**\*\*Attention!\*\*** In case of non-payment, your application will be deemed withdrawn.

- Fee for search request (if filed): Payment within three months

### #### Fee for the Request for Examination

- with search request: EUR 150.00
- without search request: EUR 350.00

### #### Annual Fees

- EUR 70.00 for the 3rd year (increasing up to the 20th year)

**\*\*Note:\*\*** If you as the patent holder agree to allow anyone to use your invention for a certain fee (declaration of willingness to licence), the annual fees to be paid are halved.

**\*\*Tip:\*\*** As for most IP procedures, you can apply for legal aid from the German Patent Office for the application and maintenance of a patent in justified cases.

## Verfahrensablauf

Anyone can apply for industrial property rights themselves. In principle, it is up to you whether or not you seek the help of a patent attorney. In many cases, however, it is advisable to consult a lawyer.

Only if you are not resident in the Federal Republic of Germany do you need to be represented by an attorney.

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**\*\*Tip:\*\*** You can search for a patent attorney in your area on the Internet portal of the Chamber of Patent Attorneys.

### #### Application

- You can obtain the application form from the above-mentioned offices or on the Internet (Forms & Online Services).
- It is also possible to apply for a patent online. You can find out about the requirements for this on the website of the Deutsches Patent-, und Markenamt (DPMA).
- Submit the completed application with the required documents to the above-mentioned offices in paper form (three copies) or electronically and pay the application fee.
- You will receive a receipt with the file number and the filing date of the invention.

### #### Request for Search and Examination

- At the same time as filing the application, you can request a search and examination of the patent to ensure that all the requirements for protection are met.
- To do this, tick the relevant boxes on the application form.

As part of the search, the public documents to be considered for assessing the patentability of your invention are identified. The competent examination centre carries out the search without any guarantee of completeness.

**\*\*Note:\*\*** You can request both the search and the examination at a later date. It is not mandatory to file a search request.

**\*\*Attention!\*\*** The request for the grant of a patent is

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only the first step. To actually obtain a granted patent, you must file a request for examination. If no effective request for examination is filed within seven years of the filing date, the application is deemed to be withdrawn.

### #### Examination of Obviousness

The Deutsches Patent- und Markenamt (DPMA) examines whether the formal requirements are met and whether there are obvious grounds for refusal. For example, there may be a lack of industrial applicability or the invention may not be a (unitary) invention.

If necessary, you will be asked to respond within a certain period of time.

## Bearbeitungsdauer

### Frist

Disclosure • Publication of the patent application (publication document) - irrespective of the procedural status - no later than 18 months after the filing date  
 From the date of publication, anyone can inspect the files and, under certain conditions, you can claim compensation if your invention is used unlawfully.  
 Period of Protection • maximum 20 years (from the third year, protection is maintained for an annual fee)

## weiterführende Informationen

### Hinweise

### Rechtsbehelf

Objection (details about the procedure in the official notification)

### Kurztext

### Ansprechpunkt

### Zuständige Stelle

### Formulare

### Ursprungsportal