

HIDDEN CHAMPIONS

German utility models

important elements of any European IP portfolio

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The basics

Protection for technical inventions only

No method claims allowed

Product-by-process claims and
claims directed to the use of a known substance for a medical indication
allowable

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The registration

Only formal examination

Optional prior art search

Registration within 2-3 months

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Duration

10 years as of filing date

Renewals due after 3, 6 and 8 years

Novelty

6 months grace period

Only if published by the applicant

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Fees

30€ application fee

250€ optional search fee

No prosecution fee

No registration fee

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Cancellation

No opposition procedure

Cancellation request before GPTO

Adverse procedures with oral hearing

Appealable decision with decision on costs

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Branching-off: basics

From any pending patent application with effect for Germany (e.g., DE, EP)

Claims may be amended

Multiple branched-off UMs possible with different claims

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Branching-off: timeframe

10 years as of application date of base application

2 months from the end of the month in which processing of the base patent application (or an opposition procedure against the base patent application) is terminated

Litigation

Litigable as of registration

Damages claimable as of registration

**Damages may be higher than
compensation based on patent application**

**Claims in branched-off UM adaptable to
infringing product**

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