Design

German Design Application Registration procedure



Applicant German Patent and Trademark Office (DPMA) Third Parties Application Form Timeline Applicant **Examination of Formalities** Reproduction of the design Formal deficiencies, e.g. poor Product specification quality of the reproduction Classification (Classes of goods according to Application date the Locarno Classification) Fees In case of deficiencies: Official Action (DPMA) regarding formal deficiencies Applicant's response to the Official Action approx. 3-6 months Registration and Publication Bibliographical data 1 reproduction of the design Publication fee • Maximum term of 25 years • extensible at five-year intervals (fee) • in case of infringements, in most cases warning letter regarding right of use at first • Criterion for the assessment of design infringement: overall impression of the design Nullity if ... Action for Declaration of Nullity or Cancellation - no design in the legal sense - lack of novelty In case of non-registrability - lack of individual character (lack of novelty, lack of individual character) or in a case of conflict No nullity proceedings DPMA, with other protective rights but an action or an objection (claim for cancellation) in the infringement proceedings Final judgment: sent to the DPMA Cancellation of the design from the register