

99082004007000

Law firm Admission

Heruntergeladen am 08.06.2025

<https://fimportal.de/services/99082004007000>

Modul	Sachverhalt
Leistungsschlüssel	99082004007000
Leistungsbezeichnung I	Law firm Admission
Leistungsbezeichnung II	Applying for authorization for a professional practice company
Typisierung	2/3 - Bund: Regelung (2 oder 3), Land/Kommune: Vollzug
Quellredaktion	Baustein Leistungen
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	fachlich freigegeben (gold)
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	Administration of justice (individuell, 082)
Verrichtungskennung	Zulassung (007)
SDG-Informationsbereich	Anerkennung von Qualifikationen zum Zwecke der Beschäftigung in einem anderen Mitgliedstaat
Lagen Portalverbund	Anmeldepflichten (2010100), Erlaubnisse und Genehmigungen (2010400)

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Einheitlicher Ansprechpartner	Ja
Fachlich freigegeben am	06.03.2025
Fachlich freigegeben durch	Federal Ministry of Justice (BMJ)
Handlungsgrundlage	https://www.gesetze-im-internet.de/brao/_59c.html https://www.gesetze-im-internet.de/brao/BJNR005650959.html#BJNR005650959BJNG005700307
Teaser	<p>In order to run your law firm as a professional practice company with limited liability or to include persons as partners who are not members of the Chamber of Lawyers, Patent Attorneys, Tax Consultants or Auditors, you must apply for a license.</p>
Volltext	<p>If you would like to set up a professional practice company with limited liability and practice as a lawyer, you must apply for a license from the Bar Association. This applies, among other things, to</p> <ul style="list-style-type: none"> • Companies with limited liability (GmbH) • Partnership companies with limited professional liability (PartGmbH) • Public limited companies (AG) • European companies (SE) • Limited partnerships (KG, GmbH & Co. KG) • Companies with the corresponding legal form of a state of the European Union or the European Economic Area <p>You also require a license if you wish to include persons in the professional practice company who are not members of the Chamber of Lawyers, the Chamber of Tax Consultants, the Chamber of Patent Attorneys or the Chamber of Auditors.</p> <p>You do not need to apply for admission to the Chamber of Patent Attorneys to set up a professional practice company without limited liability to which only the aforementioned persons belong, but you can do so voluntarily, for example in the case of</p>

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- Partnership companies (PartG)
- Companies under civil law (GbR)

In any case, the rights and obligations of the professional regulations laid down by the Chamber apply.

If you want to work in the field of patent law in Germany with a foreign company based in a member state of the World Trade Organization (WTO), you also need a license. In this case, you will provide services in Germany via a domestic branch office.

By founding a professional practice company, you may offer the following activities:

- Advice on inventions, trademarks, designs, know-how, plant variety protection and the like
- Registration of all industrial property rights
- Prosecution of infringements of industrial property rights, unless representation by lawyers is required
- Representation before:
 - the German Patent and Trademark Office
 - the Federal Patent Court
 - the Federal Plant Variety Office
 - other international authorities for the protection of industrial property rights
- Representation before the Federal Supreme Court in nullity proceedings

Erforderliche Unterlagen

The documents required in your case can be found on the application form, in particular the following:

- Certificate of incorporation (copy)
- articles of association (copy)
- Current list of shareholders
- Proof of professional liability insurance or provisional cover note (copy)
 - in the case of limited liability professional practice companies with more than 10 employees, the minimum sum insured is EUR 2.5 million for each insured event
 - for limited liability companies with fewer than 10 employees, the sum insured is EUR 1 million

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- in the case of non-liability-limited professional practice companies, the minimum sum insured for each insured event is EUR 500,000
- Companies that are not already registered must provide proof of identity of the members of the management and supervisory bodies as well as the shareholders, usually a certified copy of the identity card or passport
- Shareholder resolution on the appointment of the managing directors, if applicable also of persons with power of attorney and authorized representatives (copy)
- Employment contracts of the managing directors, persons with power of attorney and authorized representatives (copy)
- for non-lawyer partners: Certificate of membership from the relevant professional association, for example in the form of
 - a clearance certificate of a quality or activity certificate,
 - Proof of payment of the administrative fee
 - for foreign companies, additional proof of a branch office located in Germany

Voraussetzungen

- Part of the object of the company is to advise and represent clients in legal matters.
- Partners are active in the company and come from one of the following professional groups:
 - Attorneys at law
 - Members of the Chamber of Patent Attorneys
 - Tax consultants
 - Tax agents
 - Certified public accountants
 - Sworn auditors and accountants
 - liberal professions
- The partnership agreement stipulates that partners who seriously or repeatedly violate obligations under the German Patent Attorneys Act (PAO) or the professional code of conduct may be excluded.
- The capital structure of the company meets the following requirements:
 - If other companies are involved in the company, these are either licensed professional practice companies or a civil law company whose sole purpose is to hold shares in a licensed professional practice

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company.

- The transfer of company shares must be subject to the approval of the shareholders' meeting. In the case of public limited companies or partnerships limited by shares, the shares must be registered.

- Shares in the professional practice company may not be held for the account of third parties. Third parties may not participate in the profits of the professional practice company.

- The members of the management are exclusive:

- Attorneys at law,
- Patent attorneys and patent attorneys,
- tax advisors and tax consultants,
- tax agents,
- certified public accountants,
- sworn accountants and auditors or
- Members of the liberal professions.

- They do not meet any of the possible grounds for refusal and have not been disqualified from representing a professional practice firm and managing its business or performing the supervisory functions of a professional practice firm.

- The management includes a number of lawyers who are authorized to represent the company.

- The independence of the lawyers is guaranteed if they are responsible for the management or represent the company in any other way.

- The company is not in a state of financial collapse.

- If the company is called a law firm, lawyers hold the majority of voting rights and constitute the majority of the members of the management body.

- There is professional liability insurance with a minimum sum insured of EUR 2.5 million per insured event or a provisional cover note. The maximum annual benefit for all damages caused in an insurance year is at least four times the minimum sum insured. If no more than 10 persons work as patent attorneys or in a liberal profession, the minimum sum insured is EUR 1 million.

- The following additional requirements and special features apply to the admission of foreign companies based in a WTO member state:

- The company is authorized to provide legal services under the law of the state in which its registered office is located.

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	<ul style="list-style-type: none"> • Its shareholders are <ul style="list-style-type: none"> • Attorneys at law, • patent attorneys and patent attorneys, • tax advisors and tax consultants, • tax agents, • auditors and certified public accountants. • The German branch office has its own management, which can represent the company and has sufficient powers to ensure compliance with professional law in relation to the German branch office. • The authorization to provide legal advice and representation under German law only exists if <ul style="list-style-type: none"> • at least one attorney-at-law is involved as a partner and • the management of the German branch office includes a number of patent attorneys authorized to manage and represent the company.
Kosten	Fees are charged for the admission of the professional practice or law firm in accordance with the respective fee schedule of the relevant bar association.
Verfahrensablauf	<p>You can obtain the application form from the relevant bar association. Submit the completed and signed application form with all required documents to the bar association.</p> <ul style="list-style-type: none"> • The bar association will check the admission requirements. • If the admission requirements are met, the professional practice company is admitted and receives an admission certificate. • Upon admission, the professional practice company becomes a member of the Bar Association.
Bearbeitungsdauer	Your application will be reviewed within 3 months.
Frist	The license must be granted before the professional practice company commences business activities.
weiterführende Informationen	
Hinweise	The law firm must notify the competent bar association of any changes to the articles of association, the

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partners or the authorized representative. This also applies to the establishment or dissolution of branch offices. The notification must be accompanied by a publicly certified copy of the relevant deed.

If a law firm can no longer guarantee that the majority of the shares and voting rights are held by lawyers and that the majority of the managing persons are lawyers, it may no longer call itself a law firm and must operate under a different form of professional association and notify the competent bar association accordingly.

Rechtsbehelf

An application for a court decision can be made against a negative decision within one month of notification.

Kurztext

- Admission is required if a professional practice company with limited liability or a professional practice company that also includes partners who do not exercise a legal profession advises and represents clients in legal matters
 - The designation "Rechtsanwaltsgesellschaft" may only be used if other requirements are met
 - Professional practice companies without limited liability are also eligible for admission
 - Professional practice companies must comply with the duties of a lawyer
 - Professional practice companies must apply for a special electronic mailbox
 - After successful admission, a certificate of admission and a confirmation of admission will be issued.

Ansprechpunkt

Regionally competent bar association

You can find the bar association responsible for you on the website of the Federal Bar Association:
 <<https://www.brak.de/die-brak/rechtsanwaltskammern>>

Zuständige Stelle

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Formulare

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Ursprungsportal