

99081001060000

Schutz als Marke Eintragung

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/579864/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99081001060000
Leistungsbezeichnung I	Schutz als Marke Eintragung
Leistungsbezeichnung II	Register brand
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	
Verrichtungskennung	Eintragung (60)
SDG-Informationsbereich	Rechte des geistigen Eigentums (Antrag auf Erteilung eines Patents, Anmeldung einer Marke, einer Zeichnung oder eines Gebrauchsmusters, Erwerb einer Lizenz für die Vervielfältigung)
Lagen Portalverbund	Patente und geistiges Eigentum (2100500)
Einheitlicher	

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Ansprechpartner	Nein
Fachlich freigegeben am	22.03.2022
Fachlich freigegeben durch	Federal Ministry of Justice
Handlungsgrundlage	https://www.gesetze-im-internet.de/markeng/ https://www.gesetze-im-internet.de/markenv_2004/
Teaser	Marks that serve to distinguish the goods and services of one company from those of other companies can be protected as trademarks at the German Patent and Trademark Office (DPMA).
Volltext	<p>A trademark basically serves to identify the goods and/or services of a company. Protectable are signs which are suitable to distinguish goods and/or services of a company from those of other companies. These can be, for example, words, letters, numbers, illustrations, but also colors, movements, holograms, multimedia signs and sounds.</p> <p>Trademark protection is obtained by registering a trademark in the register of the German Patent and Trademark Office (DPMA). To do this, you must apply for the trademark. However, trademark protection can also arise if a sign is used intensively in business transactions or is generally known. However, signs that lack any distinctive character or those that merely describe the goods or services in question (for example, the word "apples" for the product "fruit") are excluded from protection.</p> <p>In addition to the classic individual trademark, there are two special trademark categories: The collective mark and the warranty mark.</p> <ul style="list-style-type: none"> • In contrast to the classic trademark, which distinguishes goods and/or services from a particular company from those of other companies (individual trademark), a collective trademark indicates the origin of a product from an association. Accordingly, it is used by the members of the association. The owner of the collective trademark is the respective association with legal capacity.

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• Warranty marks are used to refer to certain properties of the goods/services that are guaranteed by an independent party. They can also be used by several companies. Any natural or legal person can be the owner of the warranty mark. The prerequisite is that this person has not manufactured the goods himself/herself, traded in them or offered them as a service.

The respective conditions of use are laid down in a collective or certification mark statute.

All the above-mentioned types of trademarks can be registered as collective and certification marks. When you register a trademark, you acquire the exclusive right to use the trademark for the protected goods and services. You can sell or dispose of this trademark at any time or grant a right of use, a so-called trademark license, to your trademark.

A trademark can be renewed indefinitely. However, it will be deleted from the register if you do not pay the renewal fee, which is due after every 10 years.

If you want to apply for an IP right, you can do it yourself. However, you can also ask a patent attorney or attorney-at-law to help you. If you live outside Germany and have neither a registered office nor a place of business here, you must be represented by a lawyer or patent attorney admitted to practice in Germany.

Erforderliche Unterlagen

- Application for entry of a trademark in the register
- information allowing the identity of the applicant to be established
- Representation of the mark as well as information on the form of the mark
- list of goods and/or services for which registration is requested

Voraussetzungen

- All signs, in particular words, letters, numbers, illustrations, but also colors and color combinations, movements, holograms, multimedia signs, sounds and

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three-dimensional designs, including the shape of a product or its packaging, as well as other get-ups, which are capable of distinguishing the goods or services of one company from those of others, can be protected as trademarks.

- There are no absolute obstacles to the registration of the trademark, such as, among others:
 - lack of distinctiveness,
 - descriptive indications to be kept free for general use,
 - an obvious risk of misleading the public,
 - a sovereign sign contained in the trademark, or
 - a violation of morality or public order.
- If you are not resident in Germany and have neither a registered office nor a branch office in Germany, you need a lawyer or patent attorney admitted to practice in Germany to represent you.

Kosten

Gebühr: 100€
 for each additional class (class fee)
<https://www.dpma.de/service/gebuehren/marken/index.html>

Gebühr: 1.800€
 Renewal fee collective and warranty mark
<https://www.dpma.de/service/gebuehren/marken/index.html>

Gebühr: 250€
 Opposition proceedings, basic amount for an opposition mark
<https://www.dpma.de/service/gebuehren/marken/index.html>

Gebühr: 750€
 Renewal fee including class fee for up to three classes.
<https://www.dpma.de/service/gebuehren/marken/index.html>

Gebühr: 50€
 Opposition proceedings, fee for each additional opposition sign
<https://www.dpma.de/service/gebuehren/marken/index.html>

Gebühr: 260€
 Class fee for renewal (for each class from the fourth grade)
<https://www.dpma.de/service/gebuehren/marken/index.html>

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Gebühr: 290€
Electronic registration for up to 3 classes
<https://www.dpma.de/service/gebuehren/marken/index.html>
Gebühr: 200€
Request for accelerated examination
<https://www.dpma.de/service/gebuehren/marken/index.html>
Gebühr: 900€
Application fee for a collective or certification mark
<https://www.dpma.de/service/gebuehren/marken/index.html>
Gebühr: 300€
Registration in paper form for up to 3 classes
<https://www.dpma.de/service/gebuehren/marken/index.html>

Verfahrensablauf

You can apply for registration of a trademark in writing or electronically. If you wish to apply for registration in writing:

- Download the form "Request for entry of a trademark in the register" online, print and fill it out and attach the required documents.
- Submit the application documents to the German Patent and Trademark Office (DPMA).
- You will then receive an acknowledgement of receipt with the official file number.
- Pay the application fee, without being asked, within 3 months of filing the application.
- The DPMA will then examine whether your trademark can be registered.
- You may be requested to submit comments and to complete the application.
- If all requirements are met, the trademark will be registered and you will receive the registration certificate with the corresponding register excerpt.
- Trademark protection comes into effect on the date of registration.
- The registration is also published in the official electronic trademark journal.
- Trademark protection expires 10 years after the end of the month in which the filing date falls. You can extend the protection right for 10 years as often as you wish for a fee.

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• If the examination reveals that there are grounds for refusal of your application, you will receive a written objection. If these objections cannot be dropped after examination of your statement, the application will be rejected (in part, if necessary) by means of a decision. You can have this decision reviewed again by means of a reminder or appeal procedure, which is subject to a fee.

If you wish to apply for registration electronically:

- You can file your application via the service "DPMAdirektWeb", it is then valid without signature and without electronic signature. You will be guided through the application in a few steps.
- If you want to add a qualified electronic signature to your application, you can use the free "DPMAdirektPro" service for this purpose.
- You will need
 - a signature card with the corresponding card reader,
 - the application software "DPMAdirektPro" to create and validate the application documents.
- Transfer the application fee without being asked to do so.
- You will then receive an acknowledgement of receipt with the official file number.

The DPMA will then check whether your trademark can be registered.

Bearbeitungsdauer

4 Monat(e)
In case of request for accelerated examination: application will be considered with priority, if necessary registration after a few working days, but in principle no later than 6 months after application

Frist

• Payment of application fee and any class fees: within 3 months of receipt of application. • Payment of accelerated examination fee: within 3 months after filing the application • Opposition to registration: within

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	3 months after publication of registration • Payment of renewal fee: with the beginning of the 11th year of protection
weiterführende Informationen	https://www.dpma.de/docs/marken/tipps_markenanmeldung.pdf https://www.dpma.de/docs/marken/zuegige_bearbeitung.pdf https://www.dpma.de/docs/dpma/veroeffentlichungen/2/bro_marken_dt.pdf https://www.dpma.de/docs/marken/dpma-bekanntgabevom14januar2019.pdf https://www.dpma.de/docs/marken/darstellung_marke_n.pdf https://www.dpma.de/docs/marken/anmelderangaben.pdf https://www.dpma.de/docs/formulare/allgemein/a9510.pdf https://www.dpma.de/docs/formulare/marken/m8643.pdf
Hinweise	<p>The DPMA examines your trademark application for absolute grounds for refusal. However, it does not check whether your trademark infringes the property rights of third parties and already exists in an identical or similar form. You should therefore research whether the desired trademark infringes the rights of third parties before filing a trademark application. Otherwise, an opposition may be filed against your trademark before the DPMA and it may have to be cancelled. In addition, your trademark may be challenged by means of a warning notice or by legal action before civil courts.</p>
Rechtsbehelf	<ul style="list-style-type: none"> • Reminder: You can appeal against the decision to refuse registration of a trademark by filing a reminder. The decision will then be re-examined by a second person. • Appeal (proceedings before the Federal Patent Court): You can have a refusal decision to register a trademark reviewed by the Federal Patent Court within one month of service of the refusal decision by filing an appeal. • Opposition by third parties: Within a period of 3 months after the date of publication of the registration

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of a trademark, the owner of an earlier, similar trademark right or a business designation, for example, may file an opposition against the registration of the trademark,

- Revocation, invalidity and cancellation: Trademarks can be cancelled upon request due to invalidity or revocation - or because the trademark owner has renounced them.

Kurztext

- Protection as a trademark registration
 - Protection rights for, among other things, words, letters, numbers, illustrations, colors, holograms, patterns, identification threads, motion signs, position signs, multimedia signs, three-dimensional designs, sounds or other signs.
 - Inform yourself thoroughly in advance whether a similar or identical trademark has already been registered.
 - If domicile, seat or branch office is in Germany, independent application possible
 - If domicile, registered office or branch office is outside Germany, a legal or patent attorney admitted to practice in Germany is necessary as representative
 - Duration: 3 to 4 months
 - Trademark protection initially for 10 years, renewable indefinitely
 - Responsible: German Patent and Trademark Office (DPMA)

Ansprechpunkt
Zuständige Stelle
Formulare

Forms available: yes

Written form required: yes

Informal application possible: no

Personal appearance required: no

Online services available: yes

Ursprungsportal

Schutz als Marke Eintragung, Schutz als Marke Eintragung