

99092006029000

Appeal in the case of an examination by the Federal Patent Court [Bundespatentgericht]

Heruntergeladen am 24.05.2025

<https://fimportal.de/xzufi-services/644814/B100019>

Modul	Sachverhalt
Leistungsschlüssel	99092006029000
Leistungsbezeichnung I	Appeal in the case of an examination by the Federal Patent Court [Bundespatentgericht]
Leistungsbezeichnung II	How to file an appeal against decisions of the German Patent and Trade Mark Office [Deutsches Patent- und Markenamt, DPMA]
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Bund
Freigabestatus Katalog	fachlich freigegeben (gold)
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	Deutsches Patent- und Markenamt, DPMA (German Patent and Trade Mark Office), design office, trade mark office, decision, utility model office, patent right, patent, examination office, trade mark department, utility model department, patent office, patent decision, Bundespatentgericht (Federal Patent Court), appeal, design department, patent department

Modul	Sachverhalt
Leistungstyp	Leistungsobjekt mit Verrichtung
Leistungsgruppierung	
Verrichtungskennung	Prüfung (29)
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), Beschwerden und Petitionen (2140200)
Einheitlicher Ansprechpartner	Nein
Fachlich freigegeben am	18.03.2020
Fachlich freigegeben durch	German Patent and Trade Mark Office (DPMA)
Handlungsgrundlage	https://www.gesetze-im-internet.de/patg/BJNR201170936.html#BJNR201170936BJNG000600311 https://www.gesetze-im-internet.de/gebrmg/_18.html https://www.gesetze-im-internet.de/markeng/BJNR308210994.html#BJNR308210994BJNG007601360 https://www.gesetze-im-internet.de/geschmmg_2004/BJNR039010004.html https://www.gesetze-im-internet.de/halblschg/_4.html https://www.landesrecht-bw.de/jportal?quelle=purl&query=%C2%A773-80+PatG&psml=bsbawueprod.psml&doktyp=Gesetze&max=true&bereich=true https://www.landesrecht-bw.de/jportal/?quelle=jlink&query=GeschmMG+%C2%A7+23&psml=bsbawueprod.psml&max=true https://www.landesrecht-bw.de/jportal?quelle=purl&query=%C2%A766-71+MarkenG&psml=bsbawueprod.psml&doktyp=Gesetze&max=true&bereich=true https://www.landesrecht-bw.de/jportal/?quelle=jlink&query=GeschmMG+%C2%A7+23&psml=bsbawueprod.psml&max=true https://www.gesetze-im-internet.de/gebrmg/BJNR201300936.html
Teaser	You may file an appeal against decisions of the German Patent and Trade Mark Office in intellectual property

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	proceedings.
Volltext	You may file an appeal against decisions of the examination offices and patent departments, utility model offices and departments, trade mark offices and departments, and design offices and departments of the DPMA. If, for example, your patent application is rejected, you may file an appeal against the decision. As a first step, the DPMA usually assesses whether the appeal is admissible and well founded. It may then remedy the appeal and annul the decision. If, however, it considers that the appeal is in-admissible or unfounded, it will submit the appeal to the Federal Patent Court. The Federal Patent Court will then decide on the appeal, possibly after an oral hearing.
Erforderliche Unterlagen	The appeal and all submissions should be accompanied by a copy for the other parties to the proceedings.
Voraussetzungen	• A decision by an examination office or patent department, utility model office or department, trade mark office or department, or a design office or department of the DPMA; • You have been involved in proceedings before the DPMA and have been adversely affected by the decision of the DPMA; • If you do not live in Germany and do not have a registered office or place of business in Germany, you will need a representative who is authorised to represent you in proceedings before the Federal Patent Court.
Kosten	appeal fee: EUR 50.00 to EUR 500.00
Verfahrensablauf	• You may submit your appeal in writing to the DPMA. • For appeals in patent and trade mark proceedings, you may also submit your appeal as an electronic document. For this, you need • a signature card with a corresponding card reader (providers can be found via the Federal Network Agency [Bundesnetzagentur]) • the free software DPMAdirektPro • In ex parte proceedings, the DPMA first examines whether the appeal is admissible and well-founded.

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- If the DPMA considers that the appeal is admissible and well-founded, it will annul the decision.
- If, however, it considers that the appeal is inadmissible or unfounded, it will submit the appeal to the Federal Patent Court for further proceedings.
- If, as the applicant, you are opposed by another party (e.g. the defendant in inspection proceedings), the DPMA will immediately submit the appeal to the Federal Patent Court.
- The Federal Patent Court will give the parties the opportunity to submit their observations and will then decide on the appeal.

Bearbeitungsdauer

Frist

- Filing of an appeal: within 1 month of notification of the decision
- Payment of the appeal fee: within 1 month of notification of the decision

weiterführende Informationen

<https://www.dpma.de/>
<https://www.bpatg.de/>
<https://www.dpma.de/docs/formulare/allgemein/a9510.pdf>
https://www.dpma.de/service/elektronische_anmeldung/dpmadirekt/downloads/index.html
https://www.dpma.de/service/elektronische_anmeldung/dpmadirekt/index.html
<https://www.dpma.de/dpma/index.html>
<https://www.bpatg.de/>
<https://www.dpma.de/docs/formulare/allgemein/a9510.pdf>

Hinweise

Rechtsbehelf

Kurztext

- How to file an appeal in the case of an examination by the Federal Patent Court [Bundespatentgericht]
 - You may file an appeal against decisions of the German Patent and Trade Mark Office.
 - An appeal must be filed with the DPMA within 1 month of notification of a decision.
 - An appeal is subject to a fee (EUR 50.00 to EUR 500.00).
 - In ex parte proceedings, the DPMA may remedy the appeal. Otherwise, it will submit the appeal to the

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	Federal Patent Court for further proceedings. • Relevant bodies: Deutsches Patent- und Markenamt (German Patent and Trade Mark Office), Bundespatentgericht (Federal Patent Court)
Ansprechpunkt	Deutsches Patent- und Markenamt, DPMA (German Patent and Trade Mark Office) Zentraler Kundenservice (central customer services) Tel. +49 892195-1000 Munich 80297 Munich Fax +49 892195-2221 and +49 892195-4000 Office hours: Monday: 8.00 to 16.00 Friday: 8.00 to 14.00 Document receiving service: Monday to Thursday: 7.30 to 15.00 Friday: 7.30 to 14.00 Jena Jena office 07748 Jena Fax: +49 3641 40-5690 and +49 3641 40-5800 Office hours: Monday: 9.00 to 15.30 Friday: 9.00 to 14.00 Document receiving service: Monday to Thursday: 8.00 to 16.00 Friday: 8.00 to 14.00 Berlin Berlin information and service centre 10958 Berlin Fax: +49 3025992-404 Office hours: Monday: 7.30 to 15.30 Friday: 7.30 to 14.00 Document receiving service:

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	Monday to Thursday: 8.00 to 15.45 Friday: 8.00 to 14.15
Zuständige Stelle	Deutsches Patent- und Markenamt Zweibrückenstraße 12 80331 München Telefon: 089 21951000 Telefax: 089 21952221 E-Mail: info@dpma.de Bundespatentgericht Cincinnatistraße 64 81549 München Telefon: 089 699370 Telefax: 089 699375100 E-Mail: bundespatentgericht@bpatg.bund.de
Formulare	• Forms: N/A • Do I have to apply in writing? Yes. • Can I apply online? Yes • Do I have to apply in person? No https://www.dpma.de/service/elektronische_anmeldung/dpmadirekt/downloads/index.html https://www.dpma.de/service/elektronische_anmeldung/dpmadirekt/downloads/index.html
Ursprungsportal	Appeal in the case of an examination by the Federal Patent Court [Bundespatentgericht], Beschwerde beim Patentgericht Prüfung