

99092004029000

# Request patent examination

Heruntergeladen am 06.06.2025

<https://fimportal.de/xzufi-services/6000123/L100009>

Modul	Sachverhalt
Leistungsschlüssel	99092004029000
Leistungsbezeichnung I	Request patent examination
Leistungsbezeichnung II	Request patent examination
Typisierung	1 - Bund: Regelung und Vollzug
Quellredaktion	Sachsen
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

**Modul**
**Sachverhalt**
**Fachlich freigegeben durch**
**Handlungsgrundlage**

- §§ 1 bis 5  
[Patentgesetz](<http://www.gesetze-im-internet.de/patg/index.html>) (PatG) – Schutzvoraussetzungen
- §§ 34, 37 PatG – Patentanmeldung
- § 38 PatG – Beseitigung von Mängeln
- § 44 PatG – Patentprüfung

**Teaser**

After filing your patent application, an ex officio examination is carried out to determine whether there are any obvious grounds for refusal (examination of obviousness). If the result is favourable, your application remains valid. However, your patent is not yet effective.

**Volltext**

#### Examination of the application with determination of public documents pursuant to section 44 of the Patentgesetz (PatG)

After filing your patent application, an ex officio examination is carried out to determine whether there are any obvious grounds for refusal (examination of obviousness). If the result is favourable, your application remains valid. However, your patent is not yet effective.

As the patent holder, you are only able to exercise and enforce your exclusive right of use if your patent also fulfils the material requirements for protection (novelty, inventive step and industrial applicability). The Patentamt will only check whether these requirements are met if you file a separate request for examination.

This means that the mere filing of an application does not automatically lead to the grant of a patent.

**Erforderliche Unterlagen**
**Voraussetzungen**
**Kosten**

Examination Request Fee:

- if a search request has been filed: EUR 150.00
- if no search request has been filed: EUR 350.00

## Modul

## Sachverhalt

**\*\*Tip:\*\*** As for most IP procedures, you can also apply for legal aid from the German Patent and Trade Mark Office for the examination of a patent in justified cases.

## Verfahrensablauf

### #### Request for Examination

- You can submit the request for examination when you file your patent application by ticking the appropriate box on the form.
- If you wish to request examination at a later date, an informal request is sufficient. In the letter to the Deutsches Patent- und Markenamt (DPMA), be sure to state the file number of the patent application.
- Third parties can also file a request for examination.

**\*\*Attention!\*\*** The request for examination must be filed within seven years of the filing date, otherwise the application is deemed to be withdrawn.

### #### Examination Procedure

The examination procedure begins as soon as you have paid the required fee. You must also pay the fee within the seven years mentioned above. If you have already filed a search request, the examination procedure does not begin until this has been completed.

- The Patentamt will inform you of the result of the examination in an office action and set a time limit within which you must respond to the office action.
- If you do not respond within the time limit, the application will be rejected. However, you can apply for an extension of the deadline.
- In most cases, several examination notices and possibly also a hearing are necessary until all deficiencies have been remedied.

### #### Grant of the Patent

**Modul**
**Sachverhalt**

- If the outcome of the procedure is favourable, the patent is granted by decision.
- As soon as the patent grant is announced, the patent takes effect. At the same time, a three-month opposition period begins, during which anyone can file an opposition with the Deutsches Patent- und Markenamt (DPMA).

In patent examination proceedings, you can appear before the DPMA yourself. It is up to you whether you seek the help of a patent attorney. However, it is advisable to consult an attorney, as the examination procedure is largely based on previous case law.

**\*\*Tip:\*\*** You can search for a patent attorney in your area on the Internet portal of the Chamber of Patent Attorneys.

If you are not resident in the Federal Republic of Germany, you must be represented by an attorney.

**Bearbeitungsdauer**

If the application is filed within four months of the patent application: two to two and a half years.

**Frist**

Application: up to seven years after the patent application

**weiterführende Informationen**
**Hinweise**
**Rechtsbehelf**
**Kurztext**
**Ansprechpunkt**
**Zuständige Stelle**
**Formulare**
**Ursprungsportal**