



Guide: Filing a German Patent (DPMA)¹

This guide explains the steps for filing a German patent – from submission to grant – as well as important requirements and notes.

1. Criteria for Patentability

- **Novelty:** Your invention must not belong to the prior art.
 - **Inventive Step:** It must clearly differ from the known prior art for experts in the field.
 - **Industrial Applicability:** The invention must be practically usable.
 - **Technical Character:** The invention must provide a technical solution to a technical problem.
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2. Filing the Application

- **Securing the Filing Date:** By submitting your documents and paying the filing fee, you secure the filing date of your application.
 - **Pre-examination:** The German Patent and Trade Mark Office (DPMA) will examine your documents for:
 - Compliance with formal requirements.
 - Obvious patentability obstacles.
 - **Classification:** Your invention will be classified according to the International Patent Classification (IPC).
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3. Request for Examination

- **Examination Required:** To receive a patent, you must submit a request for examination and pay the examination fee (350 euros).
 - **Deadline:** You have up to seven years from the filing date to submit the request.
 - **Search Option:** Before requesting examination, you can request a paid search to assess the patentability of your invention (§ 43 PatG).
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4. Disclosure of the Application

¹ Source: https://www.dpma.de/english/patents/examination_and_grant/index.html



- **Confidentiality:** Your application remains confidential for 18 months.
 - **Publication:** After this period, the disclosure document is published, regardless of whether an examination request has been filed.
 - **Withdrawal Option:** You can withdraw the application before publication.
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5. Examination of the Application

- **Examination by the DPMA:** A patent examiner assesses:
 - The prior art in relation to your invention.
 - Whether your application meets the legal requirements.
 - **Examination Notices:**
 - If there are deficiencies, you will receive an examination notice with the opportunity to correct them within a set deadline.
 - Any changes must remain within the original disclosure scope.
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6. Grant of the Patent

- **Successful Examination:** Once all requirements are met, the patent is granted.
 - **Announcement:** The grant is published in the Patent Gazette and can be searched in the DEPATISnet and DPMAregister databases.
 - **Duration of Protection:** A German patent is valid for a maximum of 20 years from the filing date.
 - **Obligations:** To maintain the patent, you must pay annual fees starting from the third year.
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7. Rejection

- **Reasons:**
 - The invention does not meet the criteria of novelty, inventive step, or industrial applicability.
 - It is not a patentable invention (e.g., according to §§ 1–2a PatG).
 - Formal or substantive requirements (e.g., enablement) were not met
 - **Procedure:**
 - Before rejection, the DPMA informs you about the deficiencies in an examination notice.
 - You can correct the deficiencies within a set deadline, which can be extended.
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8. Opposition and Nullity

- **Opposition:** Within **nine months after the grant**, third parties can file an opposition against your patent, e.g., due to lack of novelty or inventive step.
- **Nullity Action:** Even after the opposition period has expired, your patent can be challenged in court.

Further Information

- **Duration:** The entire process from filing to grant typically takes two to five years.
- **Costs:**
 - Filing fee: starting from 60 euros.
 - Examination fee: 350 euros.
 - Annual fees: from the third patent year onward.
- **Representation:** It is recommended to consult an experienced patent attorney, especially for complex applications.