

# Patentanwaltskammer



- ◆ Chamber of Patent Attorneys
- ◆ (Patentanwaltskammer)
- ◆ A corporation of public law

# History



- ◆ 1876 German Design Model Law
- ◆ 1877 German Patent Act
- ◆ 1900 Act governing Patent Attorneys
- ◆ 1934 Establishment of the Chamber of Patent Attorneys (Patentanwaltskammer - PAK)
- ◆ 1966 Revision of the Patent Attorneys` Act:  
„independent constituent of the legal system“

# Recent History



- ◆ 1990 German Unification Treaty
- ◆ 1998 introduction of an obligatory study of general law for patent attorney candidates
- ◆ 2002 establishment of the Kurt-Haertel-Institute for intellectual property
- ◆ 2003 new Master study „European Intellectual Property“ for patent attorneys
- ◆ 2009 Transfer of the competence for the admission of patent attorneys to the Chamber

# Chamber of Patent Attorneys

( § 53 PAO)

- ◆ Self-governing federal corporation under public law
- ◆ Located in Munich
- ◆ Representation of the interests of all German patent attorneys
- ◆ Governed by the Patent Attorneys` Act

# Membership

- ◆ Membership is obligatory
- ◆ Presently about 3400 members
- ◆ Admission of new patent attorneys by the Patentanwaltskammer since 2009
- ◆ Financed exclusively by membership fees



# PAK – BRAK



- Patentanwaltskammer
- 3.400 members
- Female patent attorneys 14%
- The Patent Attorneys` Act (PAO)
- The Patent Attorneys` Code of Conduct (BOPA)
- Federal Bar/Regional Bars
- 163.700 members
- Female lawyers 33 %
- The Federal Lawyers` Act (BRAO)
- The Federal Lawyers` Code of Conduct (BORA)

# The Assembly of the Chamber

( § 55 PAO)

- ◆ Highest executive body of the Chamber for fundamental issues
- ◆ All members constitute the Assembly and are entitled to vote.
- ◆ Meetings of the Assembly take place twice a year in different locations.



# Main Tasks of the Assembly

( § 82 PAO)

- Election of the Board
- Decisions on the Code of Conduct and the Statutes
- Determining annual membership fees and the budget
- Supporting the training of patent attorney candidates and continuing professional training of patent attorneys



# The Board

( § 58 PAO ff.)

- Executive body of the Chamber
- Composed of 18 patent attorneys
- Elects the President
- The Board sets up committees with different responsibilities.



# The President

( § 73 PAO)



- The President acts for and represents the Patentanwaltskammer.
- The President executes the resolutions of the Board and of the Assembly of the Patentanwaltskammer.

# Committees of the Board

( § 68 PAO)

- Professional duties
- Social responsibilities
- Fees
- General professional matters
- Intellectual property matters

# Activities



- ◆ Admission and withdrawal of admission to the patent bar
- ◆ Supervising compliance with professional duties of the patent attorneys
- ◆ Professional training and continued education including the organization of courses for patent attorneys at the Distance University Hagen as well as study groups for patent attorney candidates
- ◆ Competent authority for the training of paralegals

# Activities

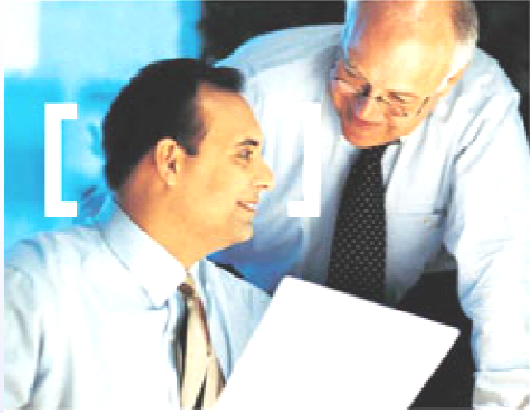


- ◆ Mediation in disputes between client and patent attorney
- ◆ Involvement in national and international legislative projects
- ◆ Cooperation with the Federal Ministry of Justice, the European Commission, members of Parliament, the Courts and the Offices
- ◆ Promotion of relationships with national and international patent attorney organizations

# Services

- ◆ Advisory services for members
- ◆ Electronic register of all patent attorneys  
[www.patentanwaltsregister.de](http://www.patentanwaltsregister.de)
- ◆ Professional Journal „Notices by German Patent Attorneys“
- ◆ Chamber Circular for the members
- ◆ Brochures about intellectual property rights and further information
- ◆ Homepage: [www.patentanwalt.de](http://www.patentanwalt.de)
- ◆ Database for enquiries concerning patent attorneys with specific technical knowledge

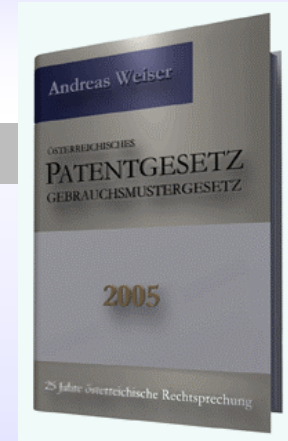




# How to become a German Patent Attorney



# Characteristics of the profession of German Patent Attorneys



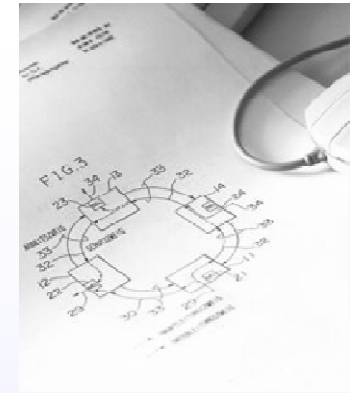
- Free and independent profession
- „Translators“ between law, technic and science
- Advisors and representatives of inventors and businesses in all intellectual property matters
- Advisors and/or representatives on national, European and international basis



# Right of Representation of German Patent Attorneys

- German Patent and Trademark Office
- Federal Patent Court
- Federal Supreme Court (nullity proceedings)
- Litigation proceedings (together with an Attorney at Law): District Court, Higher Regional Court and Federal Supreme Court
- OHIM
- With additional admission: EPO

# Educational Background Requirements



- ◆ Technical education: scientific or technical study at a university with a corresponding degree e.g. in chemistry, physics, mechanical engineering, electrical engineering, biology etc.)
- ◆ One year practical experience in the technical field of the university education

# Training for Patent Attorney Candidates



## Time course:

- 26 months at a patent attorney 's office or with a patent agent in industry (training on the job)
- 8 months at the German Patent and Trademark Office and Patent Court
- Examination at the German Patent and Trademark Office
- Admission as patent attorney

# Accompanying legal training

- Accompanying obligatory study of general law at the Distance University Hagen
- Topics: civil law, commercial law, labour legislation, corporate law, administrative law, public law, anti-trust law, competition law, procedural law, laws of the EC .....

# Training at the German Patent and Trademark Office and Federal Patent Court

- German Patent and Trademark Office (2 months):
  - everyday work experience with a patent and a trademark examiner
  - seminars in patent and trademark law
- Federal Patent Court (6 months):
  - 2 months at a trademark board
  - 4 months with different boards: technical board, utility model board, nullity board and legal board
  - Accompanying seminars on law and examination writing skills

# Continuing professional training for Patent Attorneys



- Seminars held on occasion of the meeting of the assembly of patent attorneys
- Seminars provided by private companies on various topics concerning intellectual property law
- Literature: e.g. court decisions and journals
- New program of study at the FernUniversität Hagen: European Intellectual Property Law (Hagen II) for Patent Attorneys and European Representatives

