

Keskin, Heike

Von: H el ene Nicora <hnicora@inta.org>
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An: Referat IIIB4
Cc: Carolina Oliveira
Betreff: INTA Comments to the draft amendments to the DPMA-Verordnung and the Verordnung  ber den elektronischen Rechtsverkehr beim Deutschen Patent- und Markenamt

Dear Dr. Pakuscher,

Thank you for your letter of August 2, 2018. The International Trademark Association (INTA) appreciates the opportunity to comment on the draft amendments to the DPVIA Ordinance and on the Ordinance on Electronic Legal Transactions at the German Patent and Trade Mark Office (DPMA).

INTA is a global association of brand owners and professionals dedicated to supporting trademarks and related intellectual property (IP) to foster consumer trust, economic growth, and innovation. INTA's members are more than 7,200 organizations from 191 countries. The Association's member organizations represent some 31,000 trademark professionals and include brand owners from major corporations as well as small and medium-sized enterprises, law firms and nonprofits. There are also government agency members as well as individual professor and student members. Further information about our Association can be found at www.inta.org.

INTA understands that the proposed changes to the DPMA's practice include **accepting more submissions in electronic format** (rather than via fax or regular mail), beyond national trademark applications, and including application forms for International Registrations.

INTA welcomes the enhancement of the use of technology by national IP offices. In this context, we view the expansion of the possibilities to rely on electronic communications as a positive development for users who can benefit from more efficient, expeditious and economical means of communication with the DPMA.

However, INTA believes that users should not be penalized for failing to file electronically, notably where electronic filing is not possible (for example, in case of technical problems affecting either the user's or the Office's electronic system). For this reason, INTA commends the Ministry of Justice and Consumer Protection and the DPMA for retaining the option to file on paper or by fax. This is especially important for SMEs and startups.

Further, we believe that where an electronic submission contains an obvious mistake, i.e. where it is obvious to the Office that something other than what figures in the document was intended, the applicant should be notified and given the opportunity to rectify the mistake and amend the submission accordingly.

We hope you will find our comments useful. Should you wish to further discuss any of the points we have raised or additional issues, please contact me and my colleague in copy Carolina Oliveira, Policy Officer - Europe and Staff Liaison for INTA's Trademark Office Practices Committee- European National Offices (ENO) Subcommittee.

For your information, the ENO Subcommittee, which is composed of INTA volunteer members, is dedicated to assisting European National IP Offices, in their efforts to be on the cutting edge in practices and procedures. Accordingly, the ENO Subcommittee welcomes the opportunity to assist the Ministry of Justice and Consumer Protection and the DPMA notably by commenting on national practices, procedures or any draft legislation. For instance, in February 2017, INTA submitted comments to the Draft Act to implement the EU Trade Marks Directive (known as "MaMoG"). INTA and its ENO Subcommittee look forward to further supporting the Ministry and the DPMA in the efforts towards implementing the EU trademark reform. Further, the ENO Subcommittee stands ready to provide support as deemed appropriate, notably by organizing policy dialogues on key matters of interest to both the German authorities and users or

communicating about national legislative or other developments in our newsletter, the Bulletin, which reaches some 31,000 individuals across the world.

We look forward to further exchanging with the Ministry of Justice and Consumer Protection and the DPMA.

Best regards,

Hélène Nicora
Chief Representative Officer - Europe
International Trademark Association (INTA)
14B rue de la Science
1040 Brussels - Belgium
+32-2-880-3722, f: +32-2-808-8464
www.inta.org

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