A Service of the Chamber of Patent Attorneys


The expert for intellectual property rights is a freelancer in a profession located at an interface between various disciplines: between law and technology. This is where the patent attorney works as a skilled "interpreter" and experienced intermediary, because he is as familiar with the relevant law as he is with the technology involved. He helps highly specialised engineers, chemists and physicists (who are often at a loss when confronted with the complicated system of industrial property law) and companies to take advantage of the legal and economic benefits of the various intellectual property rights.

Securing the technology of the future.

In this way, patent attorneys not only secure the technology of the future, but they think and act internationally: protecting innovations, trade marks and designs in Europe or internationally is nowadays part of everyday life, even for many small and medium-size enterprises.

One of the longest periods of training.

In order to perform these challenging tasks, patent attorneys have to undergo one of the longest periods of training in Germany. The 4,000 odd patent attorneys in Germany are engineers or scientists with degrees, practice in industry and three years of legal training. They are therefore just as much at home in the field of law as in technology – an important prerequisite if they are to assess innovations and to set the legal wheels in motion for the success of a technical innovation, a trade mark or a design.

The service: recognising what is new and describing it accurately.

The art of the profession: among the huge range of technical information available, the patent attorney has to recognise and assess what is "novel" and "inventive" and, for example, draft a patent application on that basis. The claims have to be worded in a way that is factually meticulously correct, so that they take the respective prior art into account and secure a comprehensive scope of protection which cannot easily be "worked around". Everything has to be expressed in precise terminology in such a way that the rights are secured for the innovation as far as possible into the future.
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Bringing in the IPR expert at an early stage.

The patent attorney can often make an important contribution even at the stage of developing a new product. Since he has studied in the same field himself, there are no communication problems when he talks to engineers, chemists or physicists; they speak the same language.

With this in mind, patent attorneys see themselves as advisers for companies and inventors, who can have a decisive influence on their clients' economic development. Especially in the case of small and medium-size enterprises, the IP experts therefore frequently act as a company's external specialists.

Keeping “hit” products on the course to success.

In this way, a “hit” product can be kept on the course to success by creating all the legal and technical conditions in good time to ensure that the article still remains a hit tomorrow. Even when a patent or utility model expires, it is often possible to continue protecting a successful product against imitation by making improvements at the right time. In any case, it is possible to adapt the appearance of a product to changing ideas and to protect it by means of a registered design, so that competitors' products can at least be kept visually “at arm's length”.

Patent attorneys are also “trade mark attorneys”.

If a new product or a new company mark is to be launched on the market at great expense, it is a good idea to seek the advice of the IP experts at an early stage. First of all, there are many cases in which an early search for existing, mistakable trade marks was able to avoid having to withdraw new trade marks from the market again because of a collision. Secondly, the aim is give a new product a high image value as quickly as possible, since this promotes sales. That is why the name needs to be protected against imitators by registering trade marks in good time (the patent attorney is therefore also a “trade mark attorney”).

By the way, every German patent attorney is entitled to represent his clients before the "European Union Intellectual Property Office" in Alicante/Spain, which is responsible for the filing and registration of European Union trade marks, which are valid throughout the EU.
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Contacts to export markets. For small and medium-size enterprises in particular, the free-lance patent attorney can also establish the first contacts outside Germany, because he maintains close links with patent attorneys in all the important countries. In the case of export-orientated companies, he can share his knowledge of foreign market conditions and legal systems. His wide range of experience means that the patent attorney is in an ideal position to advise on the conclusion of licence agreements and the details of those agreements (the patent attorney is therefore also a “licence attorney”).

Adviser on employee inventions. In the field of law governing employee inventions, the patent attorney’s practical experience as an engineer or scientist makes him the ideal adviser who is in a position to produce an expert assessment. In the event of conflicts between employers and employees over technical inventions and suggestions for improvements, the patent attorney can act as an intermediary and be of assistance especially in finding appropriate remuneration for the inventor.

Representation before German courts. In the event of disputes based on intellectual property rights, it is advantageous for the client that the patent attorney can appear before any ordinary court and remains entitled to assist in the litigation across all the instances. That ensures continuity and competence and increases the chances of success. As a result, the patent attorney can accompany an invention all the way from its origins on the drawing board to the highest German court, the Federal Court of Justice.

And finally: a patent attorney is personally liable for his actions. He thus has an interest of his own in offering the appropriate and “right” advice. Furthermore, as a free-lance, a patent attorney is himself an entrepreneur, which is why he naturally has a good understanding of the subjects which affect his client.