

# WORLD TRADE ORGANIZATION

RESTRICTED

**IP/N/1/DEU/1**

21 February 1996

(96-0651)

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**Council for Trade-Related Aspects  
of Intellectual Property Rights**

Original: English

## NOTIFICATION OF LAWS AND REGULATIONS UNDER ARTICLE 63.2 OF THE AGREEMENT

### Germany

The following communication, dated 31 January 1996, has been received from the Permanent Mission of the Federal Republic of Germany.

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Pursuant to Article 63.2 of the TRIPS Agreement, I hereby notify on behalf of the Federal Republic of Germany to the Council for Trade-Related Aspects of Intellectual Property Rights the attached lists with "main dedicated" intellectual property laws and "other laws and regulations".

With reference to Article 2 of the Agreement between WIPO and the WTO, I would also like to inform the TRIPS Council that full English translations of the "main dedicated laws" are available in the collection of WIPO. Additionally, the WIPO collections comprise texts of the other laws and regulations in German.

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND  
REGULATIONS RELATED TO INTELLECTUAL PROPERTY**

(Notification pursuant to Article 63, paragraph 2, of the TRIPS Agreement)

<b>TITLE DATE OF ADOPTION ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><b>Copyright and Related Rights<sup>1</sup></b></p> <p>Law Dealing with Copyright and Related Rights (Copyright Law) of 9 September 1965 Entry into force: 1 January 1966</p> <p>Law Dealing with the Administration of Copyright and Related Rights (Copyright Administration Act) of 9 September 1965 Entry into force: 1 January 1966</p> <p><b>Trademarks and Geographical Indications<sup>2</sup></b></p> <p>Law on the Protection of Trademarks and other Signs (Trademark Law) of 25 October 1994 Entry into force: 1 November 1994/ 1 January 1995</p>	<p>The Law contains provisions concerning the various protected works and the author, the contents of Copyright, the limitations on Copyright and duration, as well as provisions concerning protection of related rights and special provisions relating to cinematography. A further part deals with the infringement of rights and judicial execution.</p> <p>The Law contains provisions governing collective administration and in particular the rights and duties of collecting societies.</p> <p>The Law contains provisions related to the scope and the limits of the protection of trademarks and commercial designations, on transfer and licences, on proceedings in trademark matters before the Patent Office, the Patent Court and the Federal Court of Justice, on the protection of collective marks and indications of geographical origin, on the procedure in litigations concerning signs and provisions governing offences and seizure.</p>

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<sup>1</sup>To be distributed as documents IP/N/1/DEU/C/1 and 2

<sup>2</sup>To be distributed as documents IP/N/1/DEU/T/1 and IP/N/1/DEU/I/1

<b>TITLE</b> <b>DATE OF ADOPTION</b> <b>ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p>Law on the Extension of Industrial Property Rights (Extension Law) of 23 April 1992 Entry into force: 1 May 1992</p> <p><b>Industrial Designs<sup>3</sup></b></p> <p>Law Concerning Copyright in Designs and Models of 11 January 1876 Entry into force: 1 April 1876</p> <p>Law on the Extension of Industrial Property Rights (Extension Law) of 23 April 1992 Entry into force: 1 May 1992</p> <p><b>Patents and Plant Variety Protection<sup>4</sup></b></p> <p>Patent Law of 16 December 1980 Entry into force: 1 January 1981</p> <p>Law on the Protection of Plant Varieties (Varieties Protection Law) of 11 December 1985 Entry into force: 18 December 1985</p> <p>Utility Model Law of 28 August 1986 Entry into force: 1 January 1987</p>	<p>The Law contains provisions on the extension of trademarks with regard to the German Unification.</p> <p>The Law provides for the central registration of designs with the German Patent Office. Included are provisions concerning the prerequisites and the term of protection as well as provisions governing the procedure before the Office.</p> <p>The Law contains provisions on the extension of designs and models with regard to the German Unification.</p> <p>The Law contains the basic provisions on the protection of patents. Included are provisions regarding availability, scope, infringement, the proceedings before the Patent Office, the Patent Court, the Federal Court of Justice and the procedure in patent litigation.</p> <p>The Law contains provisions governing the conditions and content of plant variety protection, the procedure before the Federal Office of Plant Varieties, court proceedings and provisions with regard to infringements.</p> <p>The Law contains provisions on the protection of utility models and provisions regarding application, priority, term of protection, sanctions for infringement and seizure.</p>

<sup>3</sup>To be distributed as documents IP/N/1/DEU/D/1 and IP/N/1/DEU/I/1

<sup>4</sup>To be distributed as documents IP/N/1/DEU/P/1-3 and IP/N/1/DEU/I/1

<b>TITLE</b> <b>DATE OF ADOPTION</b> <b>ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p>Law on Employees' Inventions of 25 July 1957 Entry into force: 1 October 1957</p>	<p>The Law contains provisions on the protection of inventions and technical improvement proposals made by employees in the private sector and in public service as well as on arbitration proceedings.</p>
<p>Law on the Extension of Industrial Property Rights (Extension Law) of 23 April 1992 Entry into force: 1 May 1992</p>	<p>The Law contains provisions on the extension of patents with regard to the German Unification.</p>
<p><b>Layout-Designs of Integrated Circuits<sup>5</sup></b></p> <p>Law on the Protection of the Topographies of Microelectronic Semiconductor Products (Semiconductor Protection Law) of 22 October 1987 Entry into force: 1 November 1987</p>	<p>The Law contains provisions concerning the subject of and the right to protection, applications, the term of protection, infringements and penal sanctions.</p>
<p><b>Protection of Undisclosed Information<sup>6</sup></b></p> <p>Law against Unfair Competition of 7 June 1909 Entry into force: 1 October 1909</p>	<p>The Law contains a general clause in section 1 as well as provisions forbidding special acts of unfair practices. Section 17 contains provisions governing disclosure of trade and industrial secrets.</p>

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<sup>5</sup>To be distributed as document IP/N/1/DEU/L/1

<sup>6</sup>To be distributed as document IP/N/1/DEU/U/1

**OTHER LAWS AND REGULATIONS RELATED TO INTELLECTUAL PROPERTY****(Notification pursuant to Article 63, paragraph 2, of the TRIPS Agreement)**

<b>TITLE DATE OF ADOPTION ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><b>Copyright and Related Rights</b></p> <p>Law on Publishing Contracts of 19 June 1901 Entry into force: 1 January 1902</p> <p>Order Concerning the Mediation Body for Copyright Disputes of 20 December 1985 Entry into force: 1 January 1986</p> <p>Order Concerning the Registration of the Name of the Author of 18 December 1965 Entry into force: 1 January 1966</p> <p><b>Trade Marks and Geographical Indications</b></p> <p>Law Concerning the Fees of the Patent Office and the Patent Court of 18 August 1976 Entry into force: 1 November 1976</p> <p>Order Concerning the Implementation of the Trademark Law of 30 November 1994 Entry into force: 7 December 1994/ 1 January 1995</p> <p>Order Concerning the Payment of Fees with the German Patent Office and the Federal Patent Court of 15 October 1991 Entry into force: 26 October 1991</p>	<p>The Law contains provisions with regard to the contractual relationship between an author of a literary or musical work and his publisher.</p> <p>The Order contains provisions governing the procedure of the Mediation Body established under Section 14 of the Copyright Administration Law.</p> <p>The Order contains provisions with regard to the procedure for registrations under Section 66, paragraph 2 of the Copyright Law.</p> <p>The Law contains the schedule of fees with regard to proceedings in trademark matters before the Patent Office and the Patent Court.</p> <p>The Order contains detailed provisions governing the proceedings before the German Patent Office and general provisions on procedure.</p> <p>The Order contains detailed provisions with regard to how to pay fees.</p>

<b>TITLE</b> <b>DATE OF ADOPTION</b> <b>ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p>Order Concerning Administration Costs with the German Patent Office of 15 October 1991 Entry into force: 1 January 1992</p>	<p>The Order contains detailed provisions governing the administrative fees with the German Patent Office including the schedule of administrative fees.</p>
<p><b>Industrial Designs</b></p>	
<p>Law Concerning the Fees of the Patent Office and the Patent Court of 18 August 1976 Entry into force: 1 November 1976</p>	<p>The Law contains the schedule of fees with regard to proceedings before the Patent Office and the Patent Court.</p>
<p>Order Concerning Industrial Designs and Type Faces Applications of 8 January 1988 Entry into force: 1 July 1988</p>	<p>The Order contains supplementary provisions concerning the application of industrial designs.</p>
<p>Order Concerning the Payment of Fees with the German Patent Office and the Federal Patent Court of 15 October 1991 Entry into force: 26 October 1991</p>	<p>The Order contains detailed provisions with regard to how to pay fees.</p>
<p>Order Concerning Administration Costs with the German Patent Office of 15 October 1991 Entry into force: 1 January 1992</p>	<p>The Order contains detailed provisions governing the administrative fees with the German Patent Office including the schedule of administrative fees.</p>
<p><b>Patents and Plant Variety Protection</b></p>	
<p>Law Concerning the Fees of the Patent Office and the Patent Court of 18 August 1976 Entry into force: 1 November 1976</p>	<p>The Law contains the schedule of fees with regard to proceedings in patent, utility model and plant variety matters before the Patent Office and the Patent Court.</p>
<p>Order Concerning Patent Applications of 29 May 1981 Entry into force: 25 June 1981</p>	<p>The Order contains supplementary provisions concerning the application of patents.</p>
<p>Order Concerning Utility Model Applications of 12 November 1986 Entry into force: 1 January 1987</p>	<p>The Order contains supplementary provisions concerning the application of utility models.</p>

<b>TITLE</b> <b>DATE OF ADOPTION</b> <b>ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p>Order Concerning the Procedure before the Federal Plant Variety Office of 30 December 1985 Entry into force: 18 December 1985/ 8 January 1986</p>	<p>The Order contains provisions concerning the procedure before the Federal Plant Variety Office.</p>
<p>Order Concerning the Payment of Fees with the German Patent Office and the Federal Patent Court of 15 October 1991 Entry into force: 26 October 1991</p>	<p>The Order contains detailed provisions with regard to how to pay fees.</p>
<p>Order Concerning Administration Costs with the German Patent Office of 15 October 1991 Entry into force: 1 January 1992</p>	<p>The Order contains detailed provisions governing the administrative fees with the German Patent Office including the schedule of administrative fees.</p>
<p><b>Layout-Designs of Integrated Circuits</b></p>	
<p>Order Concerning the Application Designs and Type Faces of 8 January 1988 Entry into force: 1 July 1988</p>	<p>The Order contains supplementary provisions concerning the application of topographies of microelectronic semiconductor products.</p>
<p>Law Concerning the Fees of the Patent Office and the Patent Court of 18 August 1976 Entry into force: 1 November 1976</p>	<p>The Law contains the schedule of fees with regard to proceedings matters before the Patent Office and the Patent Court.</p>
<p>Order Concerning the Payment of Fees with the German Patent Office and the Federal Patent Court of 15 October 1991 Entry into force: 26 October 1991</p>	<p>The Order contains detailed provisions with regard to how to pay fees.</p>
<p>Order Concerning Administration Costs with the German Patent Office of 15 October 1991 Entry into force: 1 January 1992</p>	<p>The Order contains detailed provisions governing the administrative fees with the German Patent Office including the schedule of administrative fees.</p>

<b>TITLE</b> <b>DATE OF ADOPTION</b> <b>ENTRY INTO FORCE</b>	<b>BRIEF DESCRIPTION</b>
<p><b>Protection of Undisclosed Information</b></p> <p>None</p> <p><b>Civil Judicial Procedures and Remedies</b></p> <p>Code of Civil Procedure of 30 January 1877 Entry into force: 1 October 1879</p> <p>Judiciary Law of 27 January 1877 Entry into force: 1 October 1879</p> <p>Law on Court Costs of 18 June 1878 Entry into force: 1 October 1879</p> <p><b>Criminal Procedures</b></p> <p>Penal Code of 15 May 1871 Entry into force: 1 January 1872</p> <p>Code of Criminal Procedure of 1 February 1877 Entry into force: 1 October 1879</p> <p>Law on Minor Offences of 24 May 1968 Entry into force: 1 October 1968</p> <p><b>Administrative Procedures</b></p> <p>Law on Service in Administrative Procedures of 3 July 1952 Entry into force: 3 October 1952</p> <p>Fiscal Code of 16 March 1976 Entry into force: 1 January 1977</p>	<p>The Law contains detailed provisions governing the proceedings before the civil courts.</p> <p>The Law contains provisions governing the jurisdiction of the courts and general provisions concerning the proceedings.</p> <p>The Law contains provisions with regard to fees payable in proceedings before the courts.</p> <p>The Law contains provisions governing criminal offences punishable with imprisonment or fines.</p> <p>The Law contains detailed provisions governing the proceedings before the criminal courts.</p> <p>The Law contains provisions on minor offences.</p> <p>The Law contains provisions on service in administrative procedures applicable in proceedings before the Patent Office and the Patent Court subject to certain conditions.</p> <p>The Law contains provisions with regard to taxes. Included are provisions governing payment of costs in case of seizure.</p>