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## Table of Contents

### Patent Law

- Attention! Patent infringement in Germany affirmed – although a product showing all features of the patent was finally only produced in a patent-free area – p.3

### Design Law

- Right of prior use or joint use due to one's own prior use acts with respect to a German design patent – p.4

### Trademark Law

- Criteria for right-preserving use of figurative trademark – p.6
- Use of Coca Cola typeface leads to confusion – p.7
- Federal Court of Justice confirms protectability of "Ritter-Sport" packaging trademark – p.8
- Hyphen and ® – obstacles regarding right-preserving use of multi-word trademarks – p.10

### Competition Law

- When does the deception of origin by a product which is not protected by a protective right not have to be accepted with regard to competitive law? – p.11

### CURRENT ISSUES & NEWS

- Brexit and possible consequences for union trademarks – p.13
- Negotiation position of EU towards the United Kingdom regarding commercial protective rights – p.14
- Patent Attorney Thorsten Brüntjen has joined our partnership – p.15

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Dear Readers of our Update,

We hope that with our first Update of this year, we have put together a number of interesting aspects from industrial property right.

Among others, a decision made by the Higher Regional Court based in Düsseldorf, Germany, is interesting, which deals with the extent that legal steps can be taken against an infringer abroad (Sweden) from a German patent although the actions in Germany do not fulfil all characteristics of the patent, whereas the product manufactured abroad fulfils all characteristics of the patent, i.e. it infringes same.

Our article on the right of prior use against existing protective rights due to the own early acts of use, in this case by the worldwide known furniture store IKEA, is a decision made in design law, in our opinion however, it is analogously applicable to other protective rights, such as patents or utility models.

The four decisions in trademark right that we have commented on cover a broad and – we believe – very interesting range of topics and certainly, last but not least, the Brexit with its possible consequences should not be omitted either. Here, it can by no means be forecasted how the further development will look like due to the complaints which are pending at the German constitutional court.

Best regards



Josef Bockhorni  
(Patent Attorney)

## Attention!

### **Patent infringement in Germany affirmed – although a product showing all features of the patent was finally only produced in a patent-free area**

For the first time, a court decided that there is the possibility of a conclusion to the content of the first offer in Germany and, therefore, a patent infringement in Germany in the following situation:

The products of the defendant presented in Germany had in common that none fulfilled all features of the German patent of the plaintiff. However, there was a device of the defendant in Sweden which realized all features of the disputed patent. The plaintiff complained about this Swedish device as infringement of his German Patent.

The LG Düsseldorf already confirmed in the first instance that there is an offering according to § 9 German Patent Act due to the defendant's actions. The first instance court was of the opinion that the action of offering was realized due to the various presentations. According to the court, the defendant had expressed to be able to produce and deliver a product according to the invention, independent of the fact that these different embodiments on their own do not realize all features of the disputed patent.

The OLG Düsseldorf also confirmed that there is an offering according to § 9 no. 1 German Patent Act, however, it made a completely different approach: The offer was made from Germany. If the offer is followed by a delivery or the installation of the device, possibly, as presently the case, also in patent-free foreign countries, with the device realizing the features of the disputed patent, this generally justifies the conclusion that the previous (domestic) offer related to particularly such a subject according to the patent. The offer which was sent out from within the country for the delivery or installation would, therefore, have to be consid-

ered as infringing the patent. The fact that the offer came from within the country would not be changed by the circumstance that the initiative offer which was submitted by the domestic business location of the offering party did not yet contain all constructive details which lead to the use of the patent. Moreover, it is not important that specifications in this regard, which lead to the subject-matter according to the invention, were made later on, possibly even during conferences conducted abroad. This applies as long as the foreign actions lie within the frame of the original domestic subject of the offer, i.e. when they specify it in more detail, only, without changing it.

Due to this decision, proving a domestic patent infringement could be facilitated, even if the inventive subject-matter was produced in patent-free foreign countries. Due to the fact that only in very few cases, the patent owner will have an insight into the documents of the offer, the possibility to make a conclusion from the finished product to a domestic offer would make the argumentation much easier. In this connection, however, it should be observed that this is the interpretation from the appeal proceeding, which has not yet been confirmed by the Federal Court of Justice.

Decision by the Higher Regional Court Düsseldorf  
dated April 6, 2017  
file no. I-2 U 51/16  
Sabine Röhler (Attorney-at-Law)

Table of Contents

## Right of prior use or joint use due to one's own prior use acts with respect to a German design patent (decision "Bettgestell" (bed frame) by the German Federal Court of Justice BGH))



**Design no.: 40205830-0007.1**

Principally, in Germany, a third party which has developed, used or at least made serious attempts to use a similar or identical design before filing a national design patent, can rely on a right of prior use. This right of prior use enables the further use of a third party irrespective of the existing design patent. The requirement for that, however, is, that the acts of prior use were made on the home market, i.e. in Germany.

Decisions by the BGH which deal with the existence of a right of prior use with respect to German design patents which can arise due to one's own acts of prior use are not very common.

The circumstances were that the plaintiff had a design patent which shows a bed frame (in the following referred to as design at issue). The design patent was registered on July 15, 2002 in Germany and registered on November 15, 2002. At the same time, the exhibition priority of the International Furniture Fair in Cologne, Germany, on January 14, 2002, was acknowledged.

The defendant belonged to the IKEA group which is known worldwide and has been distributing a bed frame since 2003 under the design



**Malm-IKEA**

nation "MALM", which is mostly similar with the design at issue. The defendant distributed a catalogue with a bed frame of the type "BERGEN" in August 2002, which differed from the MALM bed frame, which infringes the bed frame, only by the slightly higher headboard. The plaintiff filed a suit against the defendant due to infringement of the design patent. The appeal court, i.e. the Higher Regional Court (OLG) in Düsseldorf, Germany, rejected the suit, this decision was, however, not followed by the Federal Court of Justice in the appeal instance.

The Higher Regional Court Düsseldorf awarded the defendant a right of prior use within the meaning of § 41 German Design Act in Germany. This was mainly reasoned by the fact that IKEA made serious preparations in Sweden for the global distribution of the previous model "BERGEN" in Germany, too, already before the priority day of January 14, 2002, without being aware of the design at issue. That means the Higher Regional Court Düsseldorf was of the opinion that IKEA was seriously intending to take up the commercial use of the previous model "BERGEN" as soon as possible, especially because the production of a pilot series in Poland was already commissioned by IKEA and corresponding assembly instructions had

already been released. The bed frame "BERGEN" was eventually delivered to Germany at the end of March 2003.

In this connection, the OLG Düsseldorf confirmed the "national" requirements, as the preparatory acts which were made abroad were clearly targeted to a national use of the design. Due to the fact that the commissioning of the production was targeted to a worldwide distribution and therefore also to the German market, corresponding "national" preparations were acknowledged, too.

This opinion is not shared by the BGH, which cancelled the decision by the OLG Düsseldorf and remitted the matter back to the appeal court in Düsseldorf for the purpose of new proceedings.

By doing so, the BGH confirmed the protectability of the design at issue and determined that the bed frame "MALM", which is distributed by IKEA, intervenes into the protective scope of the design patent.

The interesting thing about this decision is, however, that the BGH does not share the "domestic relation" of the acts of prior use by IKEA. The BGH confirms that in case of the bed frame "BERGEN", a final draft and the prepara-

tion of construction drawings, the production of prototypes as well as negotiations and serious preliminary talks with potential customers could principally already be sufficient, however, the domestic relation of these prior acts is always decisive. That means that acts for taking up use as well as the use itself must have been made nationally. This was, however, particularly not the case with the bed frame "BERGEN" as there were only acts of prior use outside Germany.

The decision by the BGH is also reasonable as it assumes that a German design patent with respect to its protection is only targeted to infringement actions in Germany and can only be asserted there. Due to the fact that the right of prior use is an exception and therefore a limitation of this protection, it is justified that the scope of the national protective right is curtailed by national acts of prior use, only, something that arises from the systematics of the law alone.

Federal Court of Justice  
decision dated June 29, 2017  
file no. IZR9/16

Dipl.-Ing. Josef Bockhorni (Patent Attorney)

[Table of Contents](#)

### **Conclusion:**

Rights of prior use towards a German design patent can indeed only be enforced when the prior use acts strictly took place in Germany. That means that it is not relevant that the acts of prior use which were initiated abroad are targeted to Germany, too. Apart from this, the consequences of this decision may also be applied to patents or utility models in the same way.

## Criteria for the right-preserving use of a figurative trademark (Federal Republic of Germany)



provadis

Both the District Court in Frankfurt, Germany as well as the Higher Regional Court in Frankfurt refused a right-preserving use, as the used word-figurative sign with the snail cannot be considered sufficiently similar with the registered trademark of a snail. Rather, the trademark must be used in the registered form. Deviations are not problematic only in case the deviation does not change the characteristic part of the trademark. An assessment criterium for that is the public opinion, i.e. what is essential is whether the public still equates the deviated use of the sign Provadis with the snail with the registered trademark. However, this has been denied by both the District Court as well as the Higher Regional Court, as the word element in Provadis and less the figurative charac-

ter with the snail characterizes the whole sign. In this respect, the relevant public considers the combination sign Provadis with the snail as a self-consistent word-figurative-sign which contains the snail as a graphic embellishment but not as an independent trademark. That means that the figurative sign with the snail is deemed to be not used.

Higher Regional Court Frankfurt  
July 20, 2017, file number 6 U 149/16  
Dipl.-Ing. Josef Bockhorni (Patent Attorney)

[Table of Contents](#)

## Use of the Coca Cola typeface leads to confusion



The soft drink producer Coca Cola filed an opposition against a European Union trademark application with the word element "Master" and reasoned the opposition by stating that there was a danger of confusion between the signs as the sign element "Master" was represented with the same typeface.

The European Union Intellectual Property Office initially rejected Coca Cola's opposition as unfounded. However, the soft drink producer was then successful with its appeal.

The next instance, the Court of the European Union, judged that there was a sufficient degree of similarity between the signs "Coca-Cola" and the European Union trademark application "Master" due to the same typeface alone. Accordingly, the signs had more elements which were similar with respect to the perception of the typeface, i.e. the "tail" flowing from the first letters "C" and "M" in a signature flourish and the shared use of a font which is not commonly used in contemporary business life, namely the font "Spenserian". This font was perceived by the relevant public as a whole.

Apart from that, the Court of the European Union decided that in order to determine the danger of a so-called "free rider" (the risk that an unfair advantage is taken from the distinctiveness or the reputation of the older Coca Cola trademarks), the jurisdiction can under no circumstances limit relevant evidence to the applied trademark, only, but must also allow evidence which facilitates analyzing likelihoods with respect to the intentions of the trademark applicant:

Coca Cola had filed photographs of a soft drink of the trademark applicant during the opposi-

tion proceeding in order to demonstrate to the first instance, namely the EU Trademark Office the use of the trademark application "Master" in trade. This evidence exclusively proved the use of the sign "Master" outside of the European Union, namely in Syria and the Middle East. Therefore, the EUIPO did not consider this evidence as it could only proof the use of the sign "Master" outside the EU. In the first instance's view, this evidence was not sufficient for determining the danger whether the future use of the sign "Master" within the European Union exploited the appreciation of the four older trademarks of Coca Cola in an unfair way.

The Court of the European Union as second instance did not agree and emphasized that any evidence which proves the current commercial use of the applied trademark must be considered, among those also evidence of the commercial use of the sign outside the EU. In order to determine the danger of free-riding, a company must be able to submit such evidence in order to reason a logical conclusion to the probable commercial use within the area of the European Union for the case that the trademark is registered. That means that the Court considered the evidence allowable and sufficient – contrary to the opposition department and board of appeal of the European trademark office – for proving the danger of a commercial free-riding in the present case.

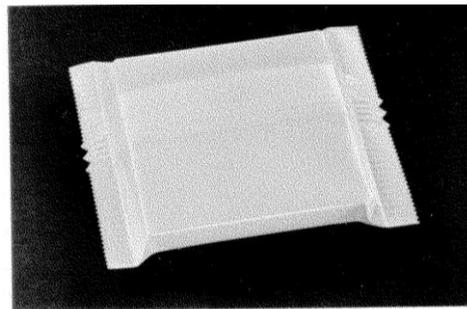
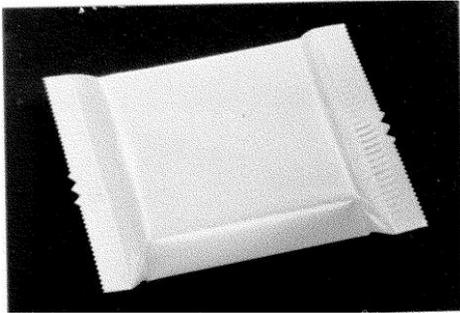
Decision by the European Court of Justice  
dated December 7, 2017  
file no. T-61/16

BBiotech(Hons) Vanessa Bockhorni (Patent Attorney)

[Table of Contents](#)

## Federal Court of Justice confirms protectability of the "Ritter-Sport" packaging trademark

The well-known chocolate manufacturer Ritter Sport registered several three-dimensional trademarks for "chocolate bars" in Germany. The trademarks each show the front and back side of a neutral square packaging with a square packaging body, two lateral jagged closure tabs, and a transverse closing flap at the back. One of the three-dimensional designs is shown below:



3D trademark no.: 398 69 970

1. The applicant of the cancellation request had requested cancellation of the 3D trademarks at the German Patent and Trademark Office. However, the Patent Office rejected the cancellation requests as unfounded.

2. In its complaint to the Federal Patent Court (BPatG), however, the applicant of the cancellation request then succeeded, so that the chocolate manufacturer would have lost its rights in the three-dimensional shape marks if the appeal to the higher instance, namely the Federal Court of Justice (BGH) had not been admitted.

The BPatG based its reasoning on the case law of the European Court of Justice (ECJ), according to which a shape trademark of a product is not protectable when:

- it consists exclusively of the shape of the product,
- the shape has at least one characteristic of use which is inherent in the typical generic function of the product,
- the consumer looks for the typical generic function of the product with products of competitors, too

(ECJ, Decision on the "Tripp-Trapp" children's chair dated Sept. 18, 2014 – C-205/13)

According to the point of view of the BPatG, which was later not followed by the Federal Court of Justice, the packing was a utilizable shape, which would also be requested by the customer from competitors. Chocolate bars would regularly be offered in rectangular shapes, whereby the square was only a special shape of the rectangle. Other geometric shapes such as the triangle or the circle would regularly not be used for chocolate bars. The continuous shape of chocolate bars in form of a rectangle or a square would facilitate the packaging, storing, transporting as well as portioning, which is why the square shape was a generic function of these goods. Therefore, the 3D trademark could not be protected from the perspective of the BPatG.

3. The Federal Court of Justice did not follow the BPatG and initially confirmed that the three-dimensional designs, which represent the shape of a product, could principally be protected as a three-dimensional trademark. It then deter-

mined that the Trademark Act only excluded those signs from protection which exclusively consisted of a shape which is caused by the kind of the product itself.

Contrary to the Federal Patent Court, the Federal Court of Justice stated that the square shape of the chocolate bar was no essential usage property of chocolate. Furthermore, the chocolate would not presuppose the shape of the packaging, which is why the packaging trademark of the company Ritter Sport was capable of being protected.

The Federal Court of Justice therefore reversed the decision of the Federal Patent Court and remitted the case to the Federal Patent Court.

Press announcement of the Federal Court of Justice  
file no.: I ZB 105/16 u. I ZB 106/16  
BBiotech(Hons) Vanessa Bockhorni (Patent Attorney)

[Table of Contents](#)

## Hyphen and ® – obstacles regarding right-preserving use of multi-word trademarks

In the present case, the German Federal Court of Justice (Bundesgerichtshof; BGH) had to deal with the question at what point there is a change of characteristic of a registered trademark, and, therefore, no one can talk about a right preserving use anymore if this trademark is always only used in connection with further word elements. An opposition based on the trademark “Dorzo”, which claims goods in class 5, was filed against the word mark “Dorzo plus T STADA”, which was also registered for goods in class 5 at the German Patent and Trademark Office. With respect to the objection of non-use, the opponent tried to proof the use with the following uses:



Dorzo-Vision®



DorzoComp-Vision® DorzoComp-Vision® sine

The BGH confirmed the decision of the Federal Patent Court in the appeal proceeding that there is no right-preserving use of the registered trademark “Dorzo”:

Supplementing a principally unchanged trademark by additions is no use of the trademark in the registered form according to § 26 par. 1 German Trademark Act, when the additions are clearly connected with the sign. In the present case, the trademark is used in a form which deviates from the registration according to § 26 par. 3 German Trademark Act. Here, reference was made to the fact that the components of the precise form of use are all designed in the same font size, the same font and the same color, and are for the most part connected via a hyphen.

Just as the previous instance, the BGH also refused that there is a right-preserving use of the opposition trademark by “Dorzo-Vision®” – which comes closest to the registered form – according to § 26 par. 3 German Trademark Act and consequently also of the further form of use. In this connection, the BGH explained: If the public does no longer recognize the trade-

mark which is used with the additions as an independent product sign, the deviation generally changes the distinctive character of the trademark. In this connection, it was clarified that the typographic design, the hyphen and the uniformity of the typeface and font color on their own were not suitable to justify this assumption. However, the fact that the actual forms of use are perceived as a uniform sign by the public are supported by the further circumstances such as the addition of the “®” at the end of the compound sign. This points to a uniform sign and the public regularly gathers the indication from this addition that there is a trademark with precisely this content. In addition to that, the terms “Dorzo” and “Vision” mutually refer to one another due to their meaning – “Dorzo” as an abbreviation of the agent designation “Dorzolamid” and “Vision” for among others “vision/eyesight”.

Decision by the Federal Court of Justice dated May 11, 2017, file no. I ZB 6/16  
BBiotech(Hons) Vanessa Bockhorni (Patent Attorney)  
Sabine Röhler (Attorney-at-Law)

## COMPETITION LAW

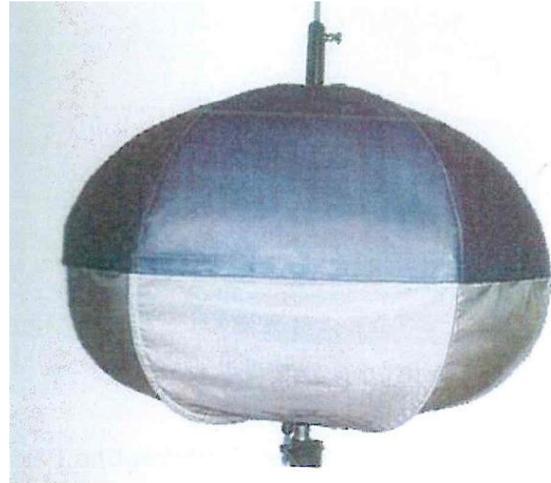
### **When does the deception of origin by a product which is not protected by a protective right (e.g. design) not have to be accepted with regard to competitive law?**

The German Competitive Law grants a performance protection within the meaning of § 4 no. 3 German Law Against Unfair Competition (UWG), which supplements existing or already expired special right protection, e.g. from a patent. According to that, anybody who offers goods or services which are an imitation of a competitor's goods or services acts in an unfair way if his activity causes an avoidable deception of consumers regarding the commercial origin (§ 4 no. 3 UWG).

The German Federal Court of Justice (Bundesgerichtshof; BGH) judged in the present decision on the question when a deception of origin cannot be avoided and must thus be accepted:

In this dispute in competitive law, the plaintiff produces and distributes lighting products. A transportable spring umbrella lamp, which is produced in several versions under the designation "Powermoon", is part of their program. The lamp is serving for the illumination of construction sites, police and fire service operation sites as well as event and parking sites. The illuminating balloon, mounted on a stand, is equipped with a tensioning device which can be opened similar as an umbrella and can be transported more easily when being folded together. The opened illuminating balloon is provided with a colored foil which reflects on the inside and at the bottom side, it is provided with a light transmitting tensioned skin. The lighting body is located inside. The device is produced and distributed in several models – with six or eight spring bars – as well as with or without a rope pull for opening.

The plaintiff's illuminating balloon looks as follows:



The defendant deals with construction site technology and distributes machines and aids for the operation of construction sites. He offered the following illuminating balloon at a trade fair as well as via his website:



Contrary to the plaintiff's product, the defendant's illuminating balloon has a rather

pearshaped design due to the different size ratios of the upper and lower halves. Both the plaintiff's balloon as well as the defendant's balloon were not equipped with a manufacturer's label.

The plaintiff made a claim on the defendant, among others to cease and desist from offering the illuminating balloons. In the first instance, the District Court based in Cologne, Germany, allowed the action and sentenced the defendant correspondingly. The Higher Regional Court Cologne, however, rejected the action. This decision was now confirmed by the Federal Court of Justice due to its decision in the appeal proceeding:

There is a performance protection with respect to competitive law when a) a company imitates a competitor's performance result, b) offers it on the market, c) the result has an individual character in terms of competitive law and d) when this behavior is suitable for causing an avoidable deception of origin. There is a reciprocal effect between the degree of competitive character, the way and the intensity of the imitation as well as the unfairness of the deception of origin. The higher the competitive character and the higher the degree of imitation, the lower are the requirements to the deception of origin which justify unfairness as well as to the avoidability of the deception of origin and vice versa. A product has a competitive character when its specific design or certain features are suitable to inform the interested public of its commercial origin or its specific characteristics.

With respect to the plaintiff's product, it was assumed that there was an average commercial characteristic, whereas the public can generally only refer to the outer design features. The

overall impression is coined by the two-colored and ball-shaped design in a way that the two halves were visibly mounted upon one another, both halves being more or less similar in size and shape. The round shape of the complete body is not unique but is offered by other manufacturers with other erecting technologies. Therefore, the plaintiff's design is not technically required.

The defendant's product was an imitation of the plaintiff's product in form of the so-called re-productive adoption. Therefore, it is no identical adoption.

The deception of origin could, however, not be avoided as there are no reasonable alternatives in order to prevent a deception of origin. Otherwise, the principle of a round illuminating body with a spring tension function would be limited to one single competitive solution and monopolized in favor of the plaintiff. By adding the manufacturer's label, the deception could not be prevented as the balloon is often used as an advertising space for the companies which use the balloon. The existing design possibilities are few and relate to the size and shape of the balloon. The shift of the size ratios made by the plaintiff between the upper half and the lower half reduce the deception of origin. Falling back to other geometric shapes or technical embodiments was not reasonable.

Decision by the Federal Court of Justice  
dated September 14, 2017  
file no. I ZR 2/16  
Sabine Röhler (Attorney-at-Law)

[Table of Contents](#)

## Brexit and possible consequences for union trademarks

Despite Great Britain's exit from the EU which was already declared on June 30, 2016 with a narrow voting result on June 23, 2016, the exit scenario is still completely open. Due to the previous declarations by those politicians who are responsible for regulating the exit, in particular Theresa May, a hard Brexit is currently obviously not excluded at all, rather, a hard Brexit is what should be expected. After this referendum, owners of union trademarks are completely left in the lurch as to how union trademarks, which also extend to the United Kingdom, will remain to be valid in the UK after the Brexit.

Currently, there are three solution scenarios.

1. In case of a hard Brexit, owners of union trademarks can lose protection for Great Britain as soon as Great Britain exits the EU – without any replacement.

This leads to considerable disadvantages for owners of union trademarks, so that this solution approach is still considered unlikely.

2. Great Britain remains in the EU trademark system:

This would require that Great Britain declares union trademarks as valid for Great Britain, too, despite the Brexit. However, this solution is also considered quite unlikely, too, as the relevant politicians still calculate with a hard Brexit, if need be by way of a "no deal" scenario.

3. Conversion of the British part of Union trademarks into national trademarks:

There is a lot that speaks in favor that it will be possible after the Brexit to con-

vert the British part of a Union trademark into a national British trademark.

This suggestion is represented by the British Chartered Institute for Trademark Attorneys (CITMA) and also by the European Commission.

According to the current situation, this third scenario will probably be carried out, there is, however, also a pitfall which should be considered.

Quite probably, many union trademarks were not used in Great Britain in the past. Consequently, these trademarks could then simply be cancelled for Great Britain due to lack of use. Third parties could make use of this circumstance and could apply for trademarks in Great Britain shortly before the Brexit, which correspond with union trademarks and after conversion of the union trademark into a British trademark, the latter are attacked by means of an opposition or cancellation suit for non-use. Consequently, the converted British trademark would be lost in case of non-use of the union trademark in Great Britain.

Therefore, we recommend all owners of union trademarks to file important trademarks as national trademarks in Great Britain in good time before the exit of the Great Britain due to the Brexit, particularly for the case that these union trademarks have not yet been used in Great Britain. Due to the new application of a British trademark, there is after all a 5-year grace period, which could also be used by third parties which could file applications for those trademarks and could then pursue the cancellation of the converted British trademark.

Dipl.-Ing. Josef Bockhorni (Patent Attorney)

Table of Contents

## **Negotiation position of the EU towards the United Kingdom regarding commercial protective rights**

Protective rights of the EU, which have a uniform character within the European Union, are European Union trademarks, registered and non-registered community designs, protected geographic designations and the like. The European Commission published its position regarding these protective rights on September 6, 2017, which it represents in the negotiations with the United Kingdom on the Brexit.

According to that, the following, general principles should be applicable when the agreement on the Brexit enters into force:

### (1) Commercial protective rights with uniform effect within the European Union:

- Owners of commercial EU rights, which are granted before the date of the exit, are to be considered as owners of an enforceable protective right within the territory of the United Kingdom, comparable with the right provided by EU law, and if necessary on the basis of specifically introduced national case law of the United Kingdom.

In the special case of protected geographic designations, protected indications of origin and other protected signs with respect to agricultural products (traditionally granted specialities and traditional designations for wines) which have been protected under European Union law before the date of exit, this principle should also imply that the United Kingdom provides the necessary national law in order to guarantee the continuous protection of these rights. The protection should be comparable to the protection that is granted under EU law.

- The introduction of the above-mentioned principle should in particular include the automatic recognition of a commercial

protective right in the United Kingdom, based on the existing EU laws.

- Moreover, the introduction of this principle should also comprise:
  - determining the renewal dates;
  - respecting the principles of priority and seniority;
  - adapting the requirements to the „right-preserving use“ and the regulations on “reputation“
- The introduction of this principle should not lead to financial costs for the owners of commercial EU rights. Any administrative burden for such an owner should be minimized strictly.

### (2) Applications of commercial protective rights with a unitary effect in the European Union

In case an application is pending before the date of exit, the applicant should be authorized to maintain any priority date with respect to the pending application when the applicant seeks protection for an equivalent protective right in the United Kingdom after the date of exit.

### (3) Applications for additional protective certificates or for their extension

After the date of exit, a person should still keep the right to request an additional protective certificate or an extension of the same in the United Kingdom, when the person has filed a respective request before the date of exit with an authority of the United Kingdom in accordance with the EU law and the administrative proceeding for granting such a certificate or its extension.

Any certificate which is then granted or extended should provide an equivalent protection in the United Kingdom as granted within EU law.

#### (4) Legal protection of data bases

Authors or rights holders of data bases, which are protected in the EU member state before the date of exit of the United Kingdom, should continue to enjoy protection after that date in the 27 EU member states and in the United Kingdom.

#### (5) Exhaustion of rights

Rights, which were exhausted in the European Union before the date of exit, should remain

exhausted after the date of exit in both the 27 EU member states as well as in the territories of the United Kingdom. The requirements of the exhaustion should be defined by EU law.

BBiotech(Hons) Vanessa Bockhorni (Patent Attorney)

[Table of Contents](#)

### **Patent Attorney Thorsten Brüntjen has joined our partnership**



We are proud to inform you that Patent Attorney Thorsten Brüntjen has joined our partnership. As a physicist, as well as German and European Patent Attorney, his counselling and cooperation with clients ranges since 2007 to small, medium and large-sized companies operating on a national and international level. His focus lies on the drafting and filing of patent and design applications, opposition and nullity proceedings, German's inventor's rights and on litigation proceedings from IP rights.

Thorsten Brüntjen has technical expertise in mechanical and electromechanical engineering, general physics and computer-implemented inventions, especially in embedded systems, micro- and nanotechnology, semiconductor and

coating technology, plastics processing, insulation technology, driver's assistance systems and automotive battery and accumulator technology.

Thorsten Brüntjen was educated at the German Patent and Trademark Office as well as at the German Federal Patent Court in Munich and obtained in-service training at **Bockhorni & Colleagues** in the years 2008 to 2010. Since 2011, he is admitted to the German Bar of Patent Attorneys and as a representative before the European Patent Office. He successfully worked in the Munich office of a renowned German patent law firm for several years thereafter and now moved back to our offices.

Thorsten Brüntjen strengthens our Munich office with his profound legal and technical background and we are sure that he also shares our key to success by providing a comprehensive and at the same time personal service to you at all times.

[Table of Contents](#)