

On February 19, 2014 the **President of the German Patent and Trademark Office (GPTO) Cornelia Rudloff-Schäffer**, together with the Bavarian Section of the Female Entrepreneur's Club (VdU) invited businesswomen and guests to the Office's headquarters in Munich for sharing ideas.

During the event, **Dr. Michaela Elbel, patent attorney and board member at VdU**, held the following interview.



Dr. Michaela Elbel, patent attorney and board member at VdU,
and Cornelia Rudloff-Schäffer, President of the GPTO

Intro: Cornelia Rudloff-Schäffer started her career in industrial property law nearly three decades ago as research fellow at the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law (now Max Planck Institute for Innovation and Competition) and at the Institute for Industrial Property Law at the Ludwig-Maximilians-University in Munich. During the 90s she worked at the Federal Ministry of Justice in the field of national and international legislative processes concerning patents, trademarks and designs. In 1998, she became head of the section 'Trademark and Competition Law'. Cornelia Rudloff-Schäffer returned to Munich in 2001. She became head of the legal division of the German Patent and Trademark Office (GPTO) first and in 2006 head of the Department for Trademarks and Designs. Since January 1, 2009 she is the President of the GPTO with its more than 2500 employees.

VdU: Ms President, you have now been the President of the German Patent and Trademark Office for five years - are you happy with what you achieved?

Cornelia Rudloff-Schäffer: The German Patent and Trademark Office is a center of competence in the field of industrial property protection. As the fifth largest national patent office we have a good reputation that is recognized worldwide and are known for the high quality of the patents granted. However, we are also proud of our performance relating to trademarks and designs.

VdU: The GPTO has a particular focus on small and medium-sized enterprises which constitute a main part of the German economy. What are you doing for small and medium-sized enterprises?

Cornelia Rudloff-Schäffer: We improve our services continuously. In June 2013, the German Parliament (Bundestag) passed the patent law amendment. It is based on an initiative of the GPTO and has led to procedures that are much more transparent, efficient and flexible, in particular in patent matters.

Our customers, especially smaller enterprises, appreciate the free online search possibilities on our website. In our electronic patent document archive **DEPATISnet** the technical knowledge of the world can be found in currently more than 88 million data sets. It is therefore suitable for prior art searches before filing your own patent application.



Dr. Michaela Elbel, VdU, in conversation with Cornelia Rudloff-Schäffer,
President of the German Patent and Trademark Office

DPMAreghister is our online service for the publication of official publications and register entries including information about the current legal status and status of proceedings of intellectual property rights. It can be used for monitoring intellectual property rights of competitors, for checking the status of proceedings, and for conducting searches in different modes according to the experience and requirements of the user.

Since 2011, we have handled patent and utility model files completely electronically. In this regard, we have already managed the conversion from paper files to electronic files. We hope to complete this step for trademarks in 2015. This year we have established the online file inspection for patents which allows anyone to inform himself on the status of patent proceedings. For this reason, we have the leading position in electronic process handling in the IP sector worldwide.

VdU: Your neighbor, the European Patent Office, celebrates its 40th anniversary. After overcoming much resistance a political agreement was achieved in 2012 which paves the way for a European patent with unitary effect in currently 25 participating member states. Is this a new challenge for national offices like yours?

Cornelia Rudloff-Schäffer: First of all, 13 states including Germany, France and Great Britain need to ratify the agreement, which will presumably take one or two more years. However, in addition to the European patent with unitary effect, the current bundle patent as well as national patent protection will continue to exist. Out of the 38 states that participate in the current European patent system, more than ten states will not have the unitary patent. Expert groups are just at the beginning of developing application strategies. Among others, one of their requests concerns the possibility of double protection in order to test the new system with minimum risk for their own patent portfolios. The unified patent court is confronted with a challenging task. The procedural rules will contain elements derived from a great diversity of European legal traditions. The success will essentially depend on how reliable the legal practice will be and how expensive the system will be for the applicants. In view of these aspects it is rather difficult to predict the future success of the new system.

In 2013, the number of patent applications at the German Patent and Trademark Office reached a new ten year high – despite the low level of economic growth in Germany and the still tense financial situation in Europe. Patents made in Germany are very attractive, also to foreign applicants. Increasing application numbers show that Germany is in high demand as investment location. With the new possibility to obtain a search report for applications in English without the need to prepare a translation, the GPTO will become even more attractive. The new search report includes statements on patentability that may contribute to the patent strategy to follow. Therefore, we expect good, perhaps increasing numbers of applications in the next years, not only for patents but also for trademarks.

VdU: I would like to finish with a personal question. You are the first woman in the position of President of the GPTO. Can the female leadership be noticed?

Cornelia Rudloff-Schäffer: I do not manage the Office on my own. The heads of the departments as well as the vice president are very important for this task. We are sharing the duties, the internal ones and the external ones such as public representation of the Office. I enjoy working in a team and I think that together one can be very successful. A good working atmosphere and a friendly way of approaching each other are particularly important issues to me.

VdU: Ms President, thank you very much for the interview!