

Thank you Madam Chair,

First, on behalf of the German delegation, I would like to take this opportunity to congratulate you and the Vice-Chairs on your election. Also, we would like to thank the Secretariat of WIPO for the preparation of this 30th session of the SCP and the provision of the meeting documents. As in the previous sessions, these documents are of the highest quality. Further, we thank the delegations of Japan, Spain, Mexico, Republic of Korea, Canada and the UK for today's excellent and informative presentations.

The highest quality of patents is one of the most important objectives of the German Patent and Trade Mark Office. That is why the DPMA pays particular attention to a high level of quality during the patent granting process. Ensuring this high level of quality begins already with the recruitment of patent examiners. Last year, the German Bundestag approved 177 new posts for the patent examination and a further 73 recruitment possibilities for the DPMA for the budgets of 2018 and 2019. As part of a recruitment offensive, 130 new examiners have been recruited since last autumn. The DPMA will continue the recruitment offensive in 2019. The German Patent Act specifies for the recruitment of patent examiners that, as a rule, only such persons should be recruited who hold a university degree in engineering or science and have at least five years' work experience in one of these fields. This ensures that the examiners can contribute their expertise and many years of experience in their respective specialist fields right from the very beginning of their examiner careers.

In addition, the newly recruited examiners receive training when they start work at the DPMA. Over a period of three years in total, the participants will acquire essential and profound legal knowledge and learn how to use the IT systems of the DPMA. In addition, the DPMA trains its newly recruited staff in other intellectual property areas too, such as trade mark or design law, in order to convey a comprehensive understanding of intellectual

property. The training courses are held by judges of the Federal Patent Court and by experienced staff of the DPMA.

At the same time, the daily work of the newly hired examiners is individually supervised by an experienced mentor over a period of 18 months. The mentor is available to answer any type of questions they may have.

The DPMA also offers optional qualification opportunities for its examiners in their further careers. For several years now, the DPMA has been inviting external lecturers from industry and universities to a Day of Technology. In May 2019, for example, the DPMA examiners were able to obtain information on networking-technologies. At this event, experts from Toyota, the Technical University of Berlin and the Friedrich-Alexander-University in Erlangen-Nuremberg gave lectures on Artificial Intelligence, smart Homes and Autonomous Driving.

Furthermore, the examiners can attend numerous language courses, particularly in Chinese and Japanese. The exchange of patent examiners with other patent offices also allows them to gain further qualifications, which are useful in the patent granting process, particularly for conducting searches.

However, it is above all the thorough search and examination performed by the DPMA examiners that ensures a high level of quality. Although the examiners work independently, each decision is submitted to a second, experienced patent examiner (senior examiner). This measure is part of the quality management system, which has been adapted over the years to fit the specific needs of the DPMA and is constantly being further developed. This ensures that the decisions of the examiners are consistent with the legal requirements of German patent law.

During patent examination, the examiners of the DPMA work exclusively with an electronic file and an implemented electronic workflow which controls the process flow and thus enables a uniform and orderly procedure. The electronic file also accelerates the examination procedure and thus also contributes to a high level of quality.

In addition to these measures to ensure a maximum of search and examination quality, the German Patent Act provides for various possibilities for intervention by third parties.

Firstly, according to Section 44 (2) 1st sentence German Patent Act, the request for examination may be filed not only by the applicant but also by any third party within seven years of filing the application. This gives third parties the opportunity to initiate the examination of the application and to speed up the procedure.

Secondly, a third party may at any time during the examination procedure file the relevant prior art known to him concerning the subject-matter of the application and thus influence the examination procedure (Section 43 (3) 2nd sentence German Patent Act).

Neither through the filing of a request for examination nor through submissions on prior art, however, does the third party become a party to the proceedings.

Lastly, it is also possible to file an opposition after the grant of a patent (post-grant opposition). Up to nine months after publication of the grant of the patent, any third party may submit a written opposition to the grant of the patent, stating the reasons (Section 59 German Patent Act). A division of the DPMA is responsible for handling opposition proceedings. The panel consists of three persons: the chairman of the division, a rapporteur and an assessor. Even in the case of several oppositions against the same patent, only one procedure with the participation of all parties takes place.

The high quality of patent examination and the associated high degree of legal certainty of the patents granted by the DPMA are reflected in the statistics of opposition proceedings. During the period from 2013 to 2017, about 75,000 new patents were granted by the DPMA. Of these, nearly 1,800 patents, that is roughly 2.5%, were challenged in opposition proceedings between 2014 and 2018, of which about half were maintained as granted or in limited form. Thus, even after review in the opposition proceedings, more than 98% of the patents granted by the DPMA remain valid.

Thank you Madam Chair.