

Design cancellation Germany

Do you believe a registered German design is void and would you like to have it removed from the register of the DPMA? Have you received a design right warning notice from a competitor and are of the opinion that the registered design is, for example, exclusively constrained by its technical function? Is the owner of a design right demanding that you cease and desist in the use of his/her design? Would you like to have a declaration of invalidity or removal of a design legally enforced?

What we offer

The registering of the design initially only has declaratory effect, because the Registration Office (HABM) does not examine the protection requirements such as novelty and originality during the registration process. Therefore, in many cases, it is possible to have the registered design removed. In addition to the absolute grounds for invalidity such as lack of novelty or originality, relative grounds for invalidity such as clashing with an older design right also come into play.

We can advise you in all questions relating to the invalidity declaration or the removal of a registered German design and will represent you before the DPMA and the Federal Patent Court. We can also advise you with respect to possible preliminary legal and delimitation agreements with the opposing party in order to avoid protracted procedures and obtain a quick legally secure result.

Scope of service

- Examination and assessment of the technical and legal situation
- Consulting with respect to the legal options
- Filing a request for determining the invalidity with the DPMA
- Representation in official invalidity proceedings before the DPMA
- Creating and negotiating preliminary legal and delimitation agreements
- Representation in opposition and appeal proceedings against official decisions in invalidity and removal proceedings

Costs

We normally offer these services to you calculated according to the time spent at a suitable hourly rate. We believe that cost transparency and cost reliability obviously form the basis of successful cooperation. We will be happy to provide you with an estimate of the expected costs and the cost risk before taking the job.