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Optoelectronic Industrie and Intellectual Property Management in Europe 欧洲知识产权管理策略

GULDE HENGELHAUPT ZIEBIG & SCHNEIDER

Berlin-Patent® 柏林专利

European Patent Attorneys · Trademark Attorneys · Attorneys at Law

欧洲专利律师 · 商标律师 · 律师



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Why Intellectual Property is important for the Optoelectronic Industrie?

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Intellectual Property (IPR) is an important value:

- Sales factor (European consumer is looking for the newest technology)
- Value of the company:
importance for finding an European cooperation partner, bank credit, etc.
- All important technologies are protected by patents:
company strategy: having a lot of IP-Rights means having easier access to cross licenses
- at trade fairs in Europe



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EUROPEAN IPR (Intellectual Property Rights) 欧洲知识产权

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Existing:

- **European Patents (EP)**
- **National Patent**
- **European Design Patents (CD)**
- **National Design Patent**
- **European Trademarks (CTM)**
- **National Trademark**
- **National Utility Model**

Not yet existing:

- **European Utility Models**
- **Community Patents**

已存在的:

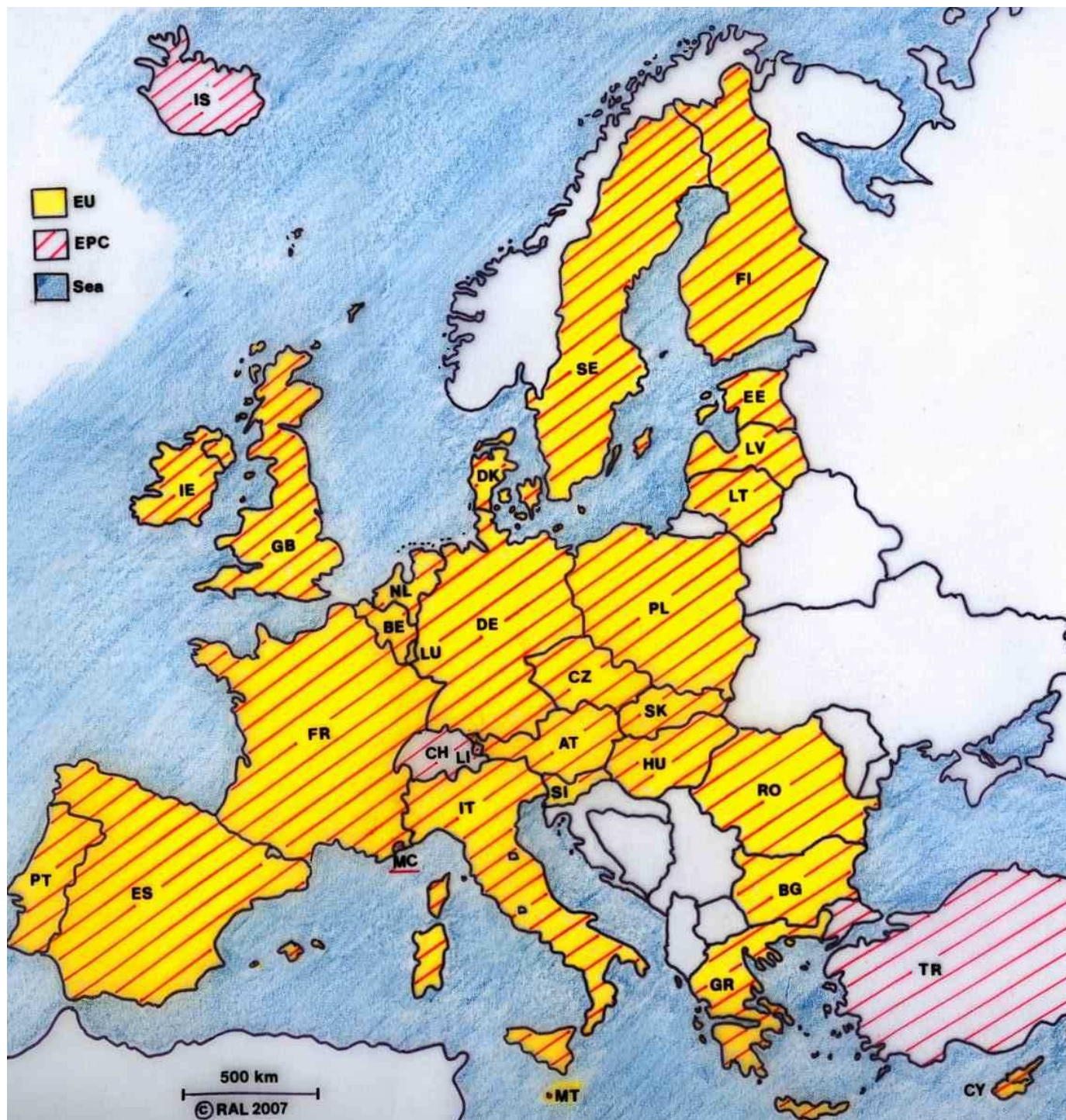
欧洲专利
国家专利
欧盟外观设计专利
国家外观设计专利
欧盟商标
国家商标
国家实用新型专利

尚未存在的:

欧盟实用新型
共同体专利



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Country	Code	EU	EPC
Austria	AT	+	+
Belgium	BE	+	+
Bulgaria	GB	+	+
Cyprus	CY	+	+
Czech Republic	CZ	+	+
Denmark	DK	+	+
Estonia	EE	+	+
Finland	FI	+	+
France	FR	+	+
Germany	DE	+	+
Greece	GR	+	+
Hungary	HU	+	+
Iceland	IS	-	+
Ireland	IE	+	+
Italy	IT	+	+
Latvia	LV	+	+
Liechtenstein	LI	-	+
Lithuania	LT	+	+
Luxembourg	LU	+	+
Malta	MT	+	+
Monaco	MC	-	+
Netherlands	NL	+	+
Poland	PL	+	+
Portugal	PT	+	+
Romania	RO	+	+
Slovakia	SK	+	+
Slovenia	SI	+	+
Spain	ES	+	+
Sweden	SE	+	+
Switzerland	CH	-	+
Turkey	TR	-	+
United Kingdom	GB	+	+

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How to file a patent? 如何申请

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1. at home  国内

only 12 months priority deadline !!!
只有12个月的优先权的时间!!!

2. abroad  国外

Risk !



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How to file
如何申请

GULDE HENGELHAUPT ZIEBIG & SCHNEIDER

only 12 months priority deadline !!!

只有12个月的优先权的时间!!!

Risk !

Absolute Novelty (worldwide)!

绝对新颖性！

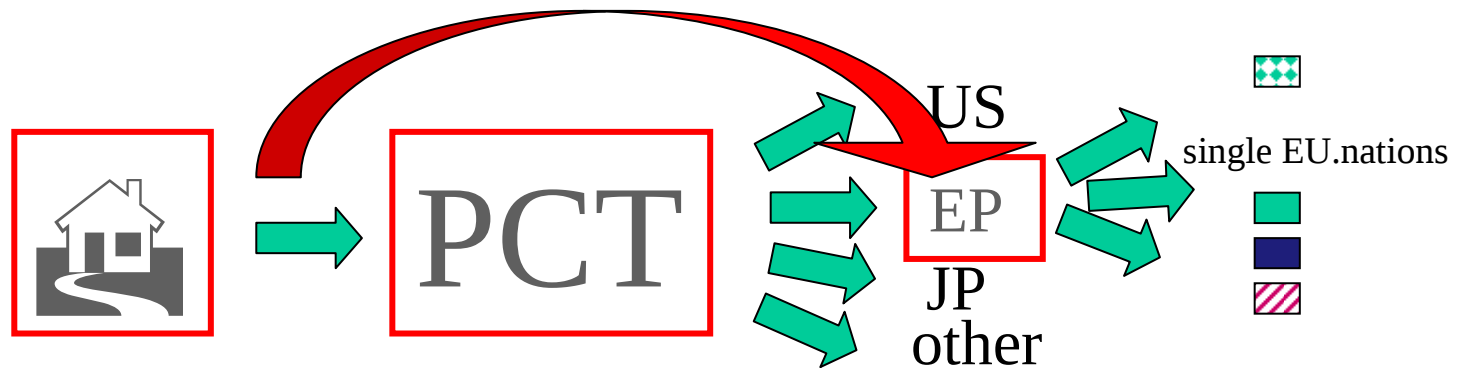


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Patent Application 国内以及国外专利申请

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1) European Patent Application via PCT 通过PCT申请欧洲专利

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Easy way to file:

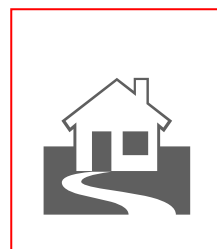
1. first application in China
2. make an English Translation
3. within 12 months after the national application (priority) file an international placeholder (PCT patent cooperation treaty)
4. within 30 months: choose countries for national stages (EP = placeholder for European member states; and/or US or other single countries)

简单的申请方法:

1. 必须首先在中国申请
2. 翻译成英文
3. 国际专利的申请必须在国内申请后的十二个月内进行 (PCT - 专利合作条约)
4. 在两年半内: 选择专利有效的国家 (EP = placeholder for European member states; and/or US or other single countries)



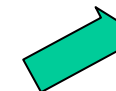
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PCT



EP



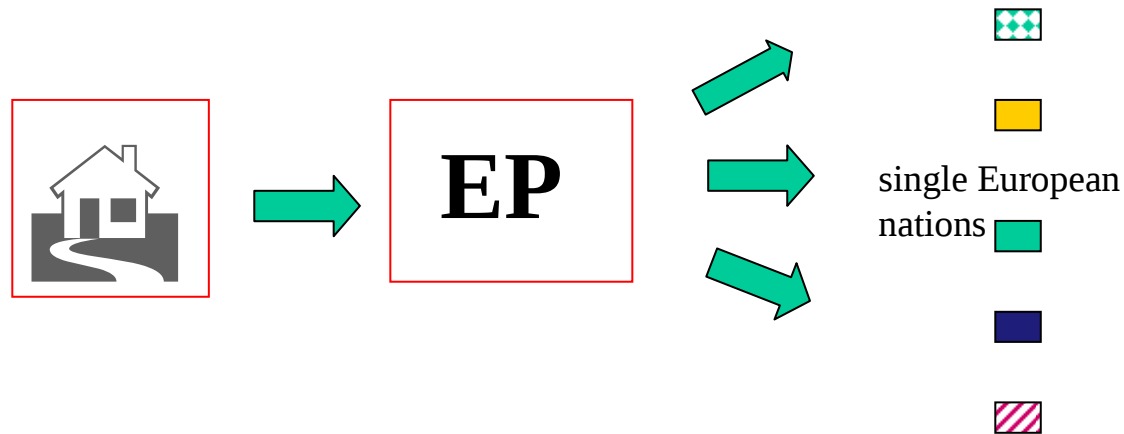
single European nations



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2) Direct European Patent Applications 直接向欧专局申请欧洲专利

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European Patent Application 欧洲专利申请

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With one application protection
in 34 countries (selectable)

一次申请 — 在34个国家
内得到保护（可以挑选）

- One language
- One Patent Office
(Munich, The Hague, Berlin)
- One examiner
- One decision to grant

- 一种语言
- 一个专利律师事务所
(慕尼黑, 海牙, 柏林)
- 一位检验者
- 一个裁决



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New 新

London Agreement 伦敦协议

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Enters into force on 1st of May 2008 in 13 countries:

2008年5月1日在以下13个国家生效:

For France, Germany, Liechtenstein, Luxembourg, Monaco, Switzerland and the United Kingdom no translation is necessary anymore as these countries have either one of the EPO-official languages (English, French or German) as official language.

在法国、德国、列支敦士登、卢森堡、摩纳哥、瑞士和英国，不再需要任何翻译。

The consequence of the London Agreement is:

伦敦协议的意义:

the translation costs will significantly reduced, on an average of 40 % of the costs before May 1st 2008!

翻译费很大程度的降低了，相当于2008年5月1前平均费用的40%。

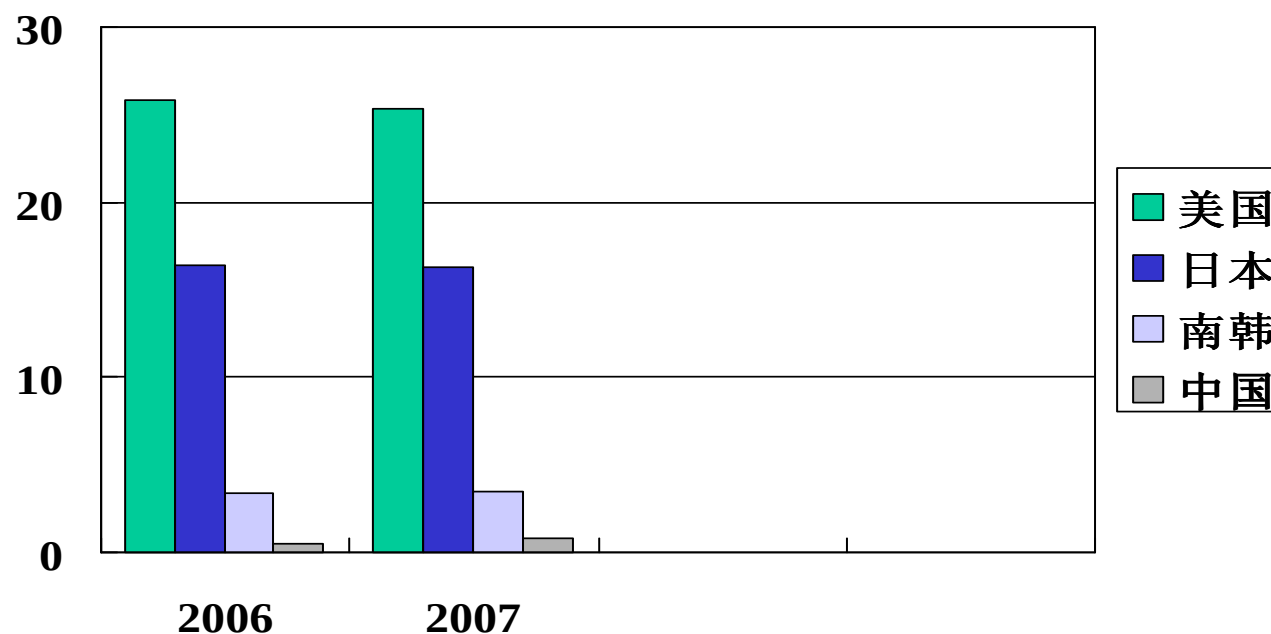


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European Patent Applications from Non-Europeans 欧洲专利申请

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在非欧盟专利申请中2006年和2007年各国申请数目百分比比例

2007年欧盟专利申请占48.5%，非欧盟专利申请占51.5%。



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Cost example for from filing to granting: 专利的官方费用, GPTO / EPO

GPTO = German Patent and Trademark Office, EPO = European Patent Office

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Patents 专利	GPTO 德国商标专利局	EPO 欧洲专利局
filing fee 申请费	660 €	980 €
request for search 请求检索	250 €	1200 €
designation 指定国家	/	每个国家 170 €
request for examination 请求审查	270 € 500 € 无先前检索	1755 €
decision of grant 决定授权	95 €	750 €
annuities 3.-20. year 年费 3.-20. 年	150 € – 2120 €	600 € – 1550 €



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European Design and Trade Mark Application 欧洲外观设计和商标申请

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With one application
protection in 27 countries
(no selection)

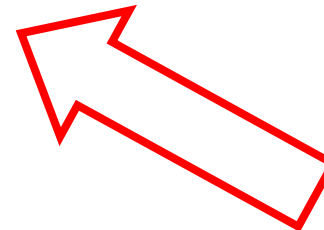
一次申请 —— 在27个国家
得到保护（无法挑选）

- One language
- One Patent Office
(Alicante/ES)
- One examiner
- One decision to grant

- 一种语言
- 一个专利律师事务所
(阿利坎特/西班牙)
- 一位检验者
- 一个裁决



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Example for Trademarks, GPTO / OHIM 商标的官方费用, GPTO / OHIM

OHIM = Office for Harmonisation in the Internal Market

GPTO = German Patent and Trademark Office

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	GPTO 德国	OHIM 27欧盟国家
Filing fee (incl. 3 classes) 申请费（包括3个类别）	750 €	1650 € 1350 € registration
for each class over 3 超过3个类别后每加一个	150 €	150 €



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Design Patents 外观设计专利

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- A registered design is a monopoly right for the appearance of the whole or a part of a product resulting from the features of the lines, contours, colors, shapes, texture, materials of the product or its ornamentation
- The designs must be new and have individual character
- Protection term of 25 years
- National Design Patents and Community Design Patents (valid in 27 Member States of the European Union).
- 一个已注册的外观设计是一种由产品线条结构、轮廓、颜色、形状、质地、产品或其装饰品的原材料所决定的产品整体或部分外观的垄断权。
- 外观设计要具有新颖性独特性
- 保护期25年
- 国内外观设计专利与社区外观专利（在27个成员国的欧洲联盟有效）



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Cost Example for Design Patents, GPTO / OHIM 外观设计专利的官方费用 GPTO / OHIM

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	GPTO 德国	OHIM 27欧盟国家
filing fee 申请费	470 €	630 €
publication fee 公告费	92 €	320 €



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Statement of defence 防御性声明

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statements of defence in preparation of fairs
before entering the EU market

防御性声明作为进入欧盟市场前展览会的准备

- Imagine you have an exhibition stand in Europe and are forced to withdraw because you are accused to copy a European companies product

假定你在欧洲参展时，被指控复制某一欧洲公司的产品而被勒令退出，

- Berlin-Patent can protect you **in advance** by making searches and by filing a statement of defence deposited in court to avoid a possible injunction.

通过事先调查及向法院呈交防御性声明的方式，“柏林专利”事务所可以帮助您避免收到禁展令



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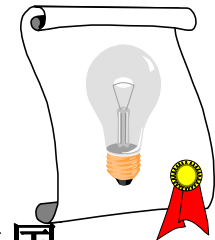
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Who we are

事务所简介

GULDE HENGELHAUPT ZIEBIG & SCHNEIDER

- Patent & Trademark & Lawfirm 专利商标事务所
- founded in 1990 成立于1990年
- wide experience in Europe, Asia, USA 在欧洲, 亚洲, 以及美国都有着丰富的相关经验, 涉及广泛, 包括专利与商标
- Patent Attorneys, attorneys at law, scientists, engineers 专利律师, 律师, 科学家, 工程师
- members of AIPPI, FICPI, EPI, GRUR etc. GRUR 等相关商会成员
- we handle domestic and foreign clients 我们看国内外客户众多



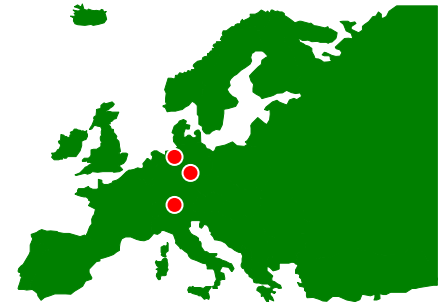
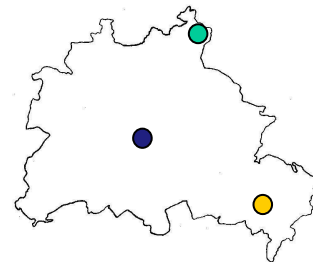
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Our locations 我们位置

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- Berlin, Capital of Germany, next to the Chinese Embassy
- Berlin Adlershof technology park
- Berlin Buch biotechnology park
- Munich next to the German and European Patent Office
- Hanseatic City of Hamburg
- * New: Beijing since 01.01.2007



- 柏林市区,紧邻中国大使馆
- 柏林鹰院科技园
- 柏林Buch生化科技园
- 慕尼黑(紧邻德国专利局和欧洲专利局)
- 汉堡的汉莎城
- * 新建立的: 北京(中国) 从2007年1月1号起

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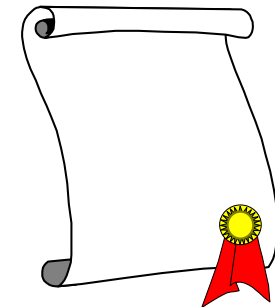
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What can we do for you?

我们能为您做的:

GULDE HENGELHAUPT ZIEBIG & SCHNEIDER

- patents 专利
- trademarks 商标
- utility models 实用新型
- design patents 外观设计专利
- prosecution, litigation 专利申请, 专利诉讼
- infringement lawsuits 侵权诉讼
- other IP-related law cases 其他相关案例
- opinions 专家意见
- statements of defence 防御性声明
- valuation of IP 知识产权的评估
- licensing agreements 许可协议
- inquiries / patent search 专利调查



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Invitation – Hope to see you in Be(a)rlin!

邀请– 希望与您柏林见！

GULDE HENGELHAUPT ZIEBIG & SCHNEIDER



北京朝阳区东三环北路8号
德国工商中心亮马河大厦二座1606室
email: berlinpatent@yahoo.com.cn
China@Law-ip.eu

电话: 010-80618032
手机: 13911322319
www.berlinpatent.cn



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