



GERMANY

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Law Firm: Maiwald Intellectual Property

Position: Partner

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Sophie provides counselling on patent portfolio strategies and portfolio management across a wide range of IP-related matters. In addition, she drafts patent applications and represents her clients in patent prosecution, opposition, and appeal proceedings. In addition, she regularly prepares legal opinions on technical and legal issues, including freedom-to-operate and validity analyses.

Furthermore, she has extensive experience with legal disputes in the field of intellectual property. She has successfully conducted numerous patent and utility model infringement proceedings, patent nullity proceedings and utility model cancellation proceedings. She uses this expertise profitably for the client in patent portfolio strategies and portfolio management.

Her technical expertise covers the fields of mechanical engineering, automotive, medical devices, materials engineering, and process technology.

Sophie is head of the Maiwald UPC task force and responsible for all UPC-related topics at Maiwald.

Sophie regularly gives presentations on patent law topics in Germany and abroad, in particular in view of the UPC. She has special contacts and interests for clients and colleagues from Korea and Brazil.

Recognitions

- Listed in IAM Strategy 300 Global Leaders 2023, 2024
- Recommended as one of the world's leading intellectual property strategists by IAM Strategy 300 2022, 2023
- Recommended in IAM Patent 1000 "World's Leading Patent Professionals" 2023
- Recommended in Handelsblatt | Best Lawyers "Germany's Best Lawyers" 2021, 2022, 2023
- Recommended in MIP IP Stars 2021, 2022, 2023
- Featured among Managing IP's Top 250 Women in IP 2021, 2023
- Recommended in Legal 500 Deutschland 2021, 2023

Important Cases

- Leading agent for a worldwide known automobile company with particular expertise in the field of new mobility
- Patent portfolio strategies and portfolio management for wet processing solutions for the manufacturing of semiconductors
- Defending patent portfolios in opposition and appeal proceedings before the EPO for a large US client for container technology in the medical industry
- Drafting patent applications in the area of mRNA technology
- Portfolio management in the field of 3D printing



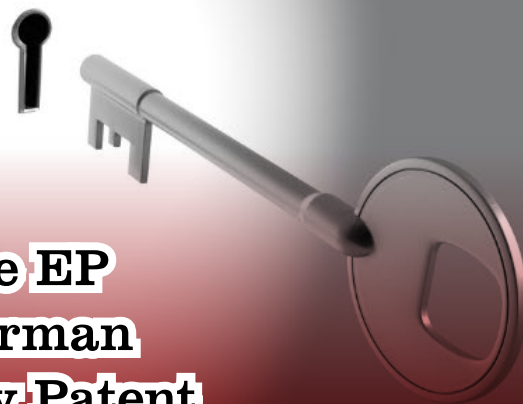
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Unlocking Intellectual Property Efficiency:

A Comparative Analysis of the EP Patent, the DE Patent, the German Utility Model, and the Unitary Patent



Written by Dr.-Ing. Sophie Ertl, Partner, Patent Attorney, European Patent Attorney at Maiwald Intellectual Property, Germany - www.maiwald.eu

In the realm of *intellectual property protection*, the *European Patent*, commonly known as the EP Patent, stands as a robust instrument. However, its undeniable efficacy comes at a price — literally.

For those seeking cost-effective alternatives without compromising on protection, the German Patent (DE Patent) and the German utility model emerge as compelling options. Since June 2023, the recently introduced Unitary Patent stands as the fourth available option.

The Allure of the EP Patent

The EP Patent presents a unified mechanism designed to safeguard inventions across numerous European countries. This streamlined procedure enables applicants to acquire patent rights in a cost-effective manner. By offering a singular application and examination process, the EP Patent significantly reduces the administrative complexities faced by inventors seeking protection across diverse European jurisdictions.

The Cost Conundrum

However, the benefits of the EP Patent come at a cost, making it a substantial investment for businesses and innovators. The expense arises from both application fees and the need for validation in individual countries, each incurring additional charges. The cumulative costs can be daunting, especially for small and medium-sized enterprises or individual inventors operating on limited budgets.

The DE Patent: A Cost-Effective Alternative

The DE Patent offers a compelling alternative for those looking to protect their inventions in Europe without breaking the bank. Germany's central location and economic significance make the DE Patent an attractive option for achieving substantial protection at a fraction of the cost.



Germany...

Germany, an economic powerhouse in Europe, boasts a robust economy anchored by key figures. As of 2023, it stands as the largest economy in the European Union and the fourth largest globally. With a population exceeding 83 million, Germany's economic prowess is led by manufacturing giants like Volkswagen and Siemens. Its exports, valued at over \$1.6 trillion, underscore its role as a global trade leader.

...and more

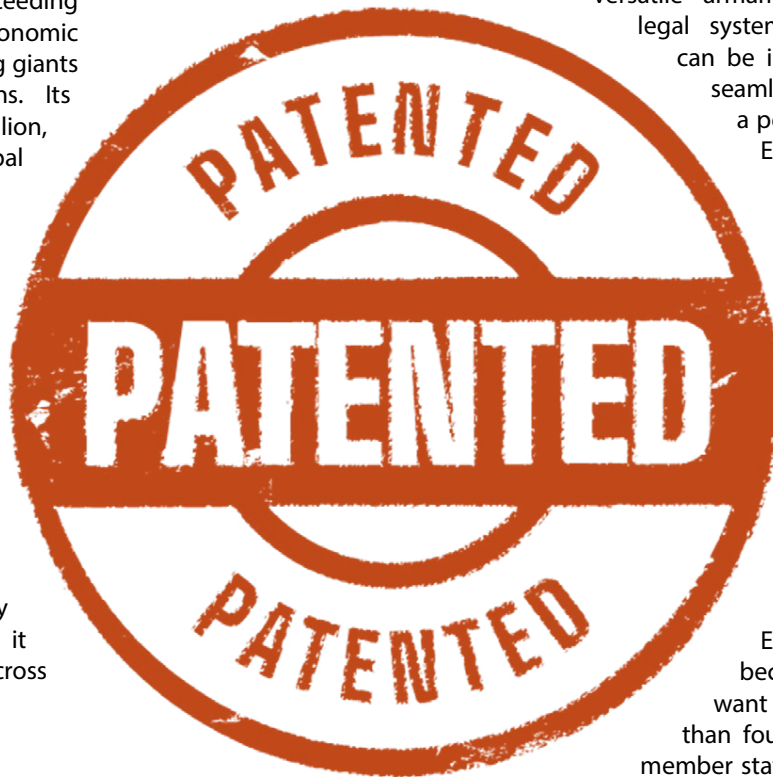
Due to Germany's central European location, extensive borders with numerous neighbouring countries, strategic ports and the Alpine crossing, an infringement judgment or an injunction in Germany does not merely constrain a competitor locally; it wields substantial influence across Europe.

Benefits of the DE Patent

The DE Patent serves as a cost-effective solution and presents advantages beyond its affordability. German patent law is known for its clarity and efficiency, ensuring a smoother and faster application and examination process.

- For a fee of €340, the patent application can be submitted in English, and you'll receive a search report in the same language. A translation will be necessary within twelve months from the initial filing date.
- The request for examination can be postponed for up to seven years, a flexibility not afforded by an EP patent, offering applicants ample time, surpassing even PCT timelines, and potential cost savings.
- The German Patent Office exhibits a notably applicant-friendly stance compared to its European counterpart.

This is evident in its more lenient handling of inadmissible extensions and a more favourable disposition towards software inventions, underscoring its commitment to accommodating innovators within a robust and accessible patent framework.



The German Utility Model: A Hidden Gem

In addition to the DE Patent, the German Utility Model emerges as a surprising and formidable tool. This lesser-known protection right offers a unique set of advantages, including lower costs and a simplified registration process.

Unravelling the Utility Model Advantage

The Utility Model undergoes swift registration, typically within three days of filing, devoid of substantial examination. This rapid process positions it as a potent and unexpected asset in combating competitors through immediate infringement actions. Validity challenges can be addressed

in both infringement and distinct cancellation proceedings, allowing for flexible claims amendments during litigation. This adaptability empowers applicants to align claims (within the original disclosure) with judicial perspectives, potentially securing new, inventive, and infringed claims. As a versatile armament in the German legal system, the Utility Model can be independently filed or seamlessly branched off from a pending DE application, EP application, or PCT application with Germany as a designated country.

Unitary Patent

Since June 2023, obtaining an EP patent as a Unitary Patent across participating EU member states has become feasible. If you want protection in more than four of the participating member states, the Unitary Patent is cheaper than the classic EP (bundle) patent. However, it bears the drawback of falling within the jurisdiction of the newly established Unified Patent Court (UPC). Under this arrangement, centralised revocation proceedings pose the risk of simultaneous patent revocation across all 17 current participating member states. However, the competence of the UPC also allows for centralised infringement proceedings with effect in all currently 17 participating member states. The Unitary Patent cannot be opted out from the UPC jurisdiction in contrast to an EP Patent (application), while a "double" protection with a parallel DE patent is allowed. Also the branching off of a German Utility Model is advisable.

We take immense pleasure in formulating tailored strategies for you and your clients, drawing from the intricacies of the diverse European and German systems. We eagerly await the opportunity to discuss this with you.