

Law
on Further Reform of Stock Corporation Law and Accounting Law
and on Transparency and Disclosure
(Transparency and Disclosure Law)

of 19 July 2002

The Bundestag [Federal Parliament] has passed the following Act:

Articles 1 to 3 ...

Article 4

**Amendments to the Patent Law, the Utility Model Law, the Trade Mark Law,
the Patent Costs Law, the Semiconductor Protection Law and the Designs Law**

(1) The Patent Law in the version published on 16 December 1980 (Federal Law Gazette 1981 I p. 1), last amended by Article 21 (2) of the Law of 13 December 2001 (Federal Law Gazette I p. 3656), shall be amended as follows:

1. In section 16a (2), the words "the electronic document (Section 125a)," shall be inserted following "(section 124),".
2. The following Section 125a shall be inserted following Section 125:

"Section 125a

(1) To the extent that it is prescribed that the written form be used for applications, requests or other acts in proceedings before the Patent Office, and for preparatory written statements and annexes thereto, for requests and statements by the parties as well as for information, testimony, opinions and statements by third parties in proceedings before the Patent Court and the Federal Court of Justice, the recording as an electronic document shall be deemed to comply with this requirement if this document can be handled by the Patent Office or the court. The person responsible for the document shall affix a qualified electronic signature in accordance with the Law on Signatures.

(2) The Federal Minister for Justice shall prescribe by statutory order, without requiring the approval of the Federal Council, from which date onwards electronic documents may be filed with the Patent Office and the courts as well as the suitable form for handling of the documents. It is possible for the admissibility of the electronic form to be limited to the Patent Office, to one of the courts or to individual proceedings.

(3) An electronic document shall be deemed to have been filed as soon as the installation of the Patent Office or the court designed for receipt has recorded it."

3. The following second sentence shall be added to Section 135 (1):

"Section 125a shall be applicable *mutatis mutandis*."

4. The following third sentence shall be added following the second sentence in Section 147 (3):

"The opposition is to be filed with the German Patent and Trade Mark Office."

(2) In Section 21 (1) of the Utility Model Law in the version published on 28 August 1986 (Federal Law Gazette I p. 1455), last amended by Article 21 (3) of the Law of 13 December 2001 (Federal Law Gazette I p. 3656), the words ", the electronic document (Section 125a)" shall be inserted following "(section 124)".

(3) The Trade Mark Law of 25 October 1994 (Federal Law Gazette I p. 3082, 1995 I p. 156, 1996 I p. 682), last amended by Article 4 of the Law of 13 December 2001 (Federal Law Gazette I p. 3656), shall be amended as follows:

1. In Part 3 Chapter 7 of the Table of Contents, the words "Section 95a Filing of Electronic Documents" shall be inserted following the words "Section 95 Legal Assistance".
2. The following Section 95a shall be inserted following Section 95:

"Section 95a

(1) To the extent that it is prescribed that the written form be used for applications, requests or other acts in proceedings before the Patent Office, and for preparatory written statements and annexes thereto, for requests and statements by the parties as well as for information, testimony, opinions and statements by third parties in proceedings before the Patent Court and the Federal Court of Justice, the recording as an electronic document shall be deemed to comply with this requirement if this document can be handled by the Patent Office or the court. The person responsible for the document shall affix a qualified electronic signature in accordance with the Law on Signatures.

(2) The Federal Minister for Justice shall prescribe by statutory order, without requiring the approval of the Federal Council, from which date onwards electronic documents may be filed with the Patent Office and the courts as well as the suitable form for handling of the documents. It is possible for the admissibility of the electronic form to be limited to the Patent Office, to one of the courts or to individual proceedings.

(3) An electronic document shall be deemed to have been filed as soon as the installation of the Patent Office or the court designed for receipt has recorded it."

(4) The Patent Costs Law of 13 December 2001 (Federal Law Gazette I p. 3656), amended by Article 21 (1) of the Law of 13 December 2001 (Federal Law Gazette I p. 3656), shall be amended as follows:

1. In Section 3 (1), the words "a complaint" and a comma shall be inserted following the words "an opposition,".
2. In Section 7 (1), second sentence, the words "of a time-limit of six months" shall be replaced by the words "of the sixth month".

3. In Section 8 (1) no. 1, the words "a complaint" and a comma shall be inserted following the words "an opposition,".
4. In Part A Chapter V Subsection 1 of the Schedule of Fees referred to in Section 2 (1), the words "of the Designs Law" shall be deleted from the definition at nos. 351 601 and 351 701 respectively.

(5) In Section 11 (1) of the Semiconductor Protection Law of 22 October 1987 (Federal Law Gazette I p. 2294), last amended by Article 21 (5) of the Law of 13 December 2001 (Federal Law Gazette I p. 3656), the words "the electronic document (Section 125a)," shall be inserted following "(Section 124),".

(6) The Designs Law in the revised version published in the Federal Law Gazette Part III, no. 442-1, last amended by Article 21 (6) of the Law of 13 December 2001 (BGBl. I p. 3656), shall be amended as follows:

1. In Section 10 (6), the words "Sections 124" shall be replaced by the words "Sections 124, 125a".
2. In Section 10a (2), second sentence, the words "Section 123 (1) to (5) and (7) and Section 124" shall be replaced by the words "Section 123 (1) to (5) and (7), Sections 124 and 125a".
3. In Section 10b, fourth sentence, the words "Section 135 (1), first sentence" shall be replaced by the words "Section 135 (1), first and second sentences".

Article 5

Entry into Force

Article 1 nos. 1, 12, 13 and 13a shall enter into force on 1 January 2003. This Law shall otherwise enter into force on the day following its promulgation.

The constitutional rights of the Federal Council have been heeded.

The above Law is hereby executed. It is to be promulgated in the
Federal Law Gazette.

Berlin, 19 July 2002

The Federal President
Johannes Rau

The Federal Chancellor
Gerhard Schroeder

The Federal Minister of Justice
Daeubler-Gmelin