



Bundesministerium  
der Justiz und  
für Verbraucherschutz

# Exhibition Protection in Germany

Information Session (SCT 43) November 26, 2020





# Section 15 of the German Act on the Legal Protection of Designs (Design Act)

## Exhibition priority

(1) Where the applicant has displayed a design

1. at an official or officially recognised international exhibition falling within the terms of the Convention Relating to International Exhibitions signed in Paris on 22 November 1928 or

2. at another domestic or foreign exhibition,

he may, if he files the application within a period of six months following the first display, claim a right of priority from that date.

(2) Notice of the exhibitions referred to in subsection (1) no. 1 shall be published by the Federal Ministry of Justice and Consumer Protection in the Federal Gazette.

(3) The exhibitions within the meaning of subsection (1) no. 2 shall be determined in each individual case by the Federal Ministry of Justice and Consumer Protection and notice thereof shall be published in the Federal Gazette.

(4) Any person who claims a priority in accordance with subsection (1) shall, before the expiry of a period of sixteen months following the date on which the design was first displayed, indicate that date and the exhibition and submit proof of that display. Section 14 (3) shall apply mutatis mutandis.

(5) The exhibition priority in accordance with subsection (1) shall not extend the periods of priority specified in section 14 (1).




# Exhibitions

- Official or officially recognised international exhibitions within the meaning of the Paris Convention
- Other domestic or foreign exhibitions
  - are determined in each individual case by the Federal Ministry of Justice and Consumer Protection



# Notice of the exhibitions for which an exhibition priority is possible in the Federal Gazette

 **Bundesanzeiger**  
Herausgegeben vom  
Bundesministerium der Justiz  
und für Verbraucherschutz  
www.bundesanzeiger.de

**Bekanntmachung**  
Veröffentlicht am Mittwoch, 5. Februar 2020  
BAnz AT 05.02.2020 B2  
Seite 1 von 1

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der Justiz und für Verbraucherschutz**

**Bekanntmachung  
über den Ausstellungsschutz**

Vom 3. Februar 2020

Auf Grund des § 15 Absatz 3 des Designgesetzes, der durch Artikel 1 Nummer 17 Buchstabe a des Gesetzes vom 10. Oktober 2013 (BGBl. I S. 3799) neu gefasst worden ist, des § 6a Absatz 3 des Gebrauchsmustergesetzes, der durch Artikel 3 Nummer 1 des Gesetzes vom 10. Oktober 2013 (BGBl. I S. 3799) neu gefasst worden ist und des § 35 Absatz 3 des Markengesetzes, der durch Artikel 4 Nummer 1 Buchstabe b des Gesetzes vom 10. Oktober 2013 (BGBl. I S. 3799) neu gefasst worden ist, wird bekannt gemacht:

Für die folgenden Ausstellungen wird Ausstellungsschutz gewährt:

1. „MEDIZIN 2020 – Fachmesse & Kongress“  
vom 7. bis 9. Februar 2020 in Stuttgart
2. „TheraPro 2020 – Fachmesse & Kongress“  
vom 7. bis 9. Februar 2020 in Stuttgart
3. „INTERGASTRA 2020 – Die ganze Welt des Gäste-Business“  
vom 15. bis 19. Februar 2020 in Stuttgart
4. „GELATISSIMO 2020 – Die ganze Welt der Eiskultur“  
vom 15. bis 19. Februar 2020 in Stuttgart

Berlin, den 3. Februar 2020

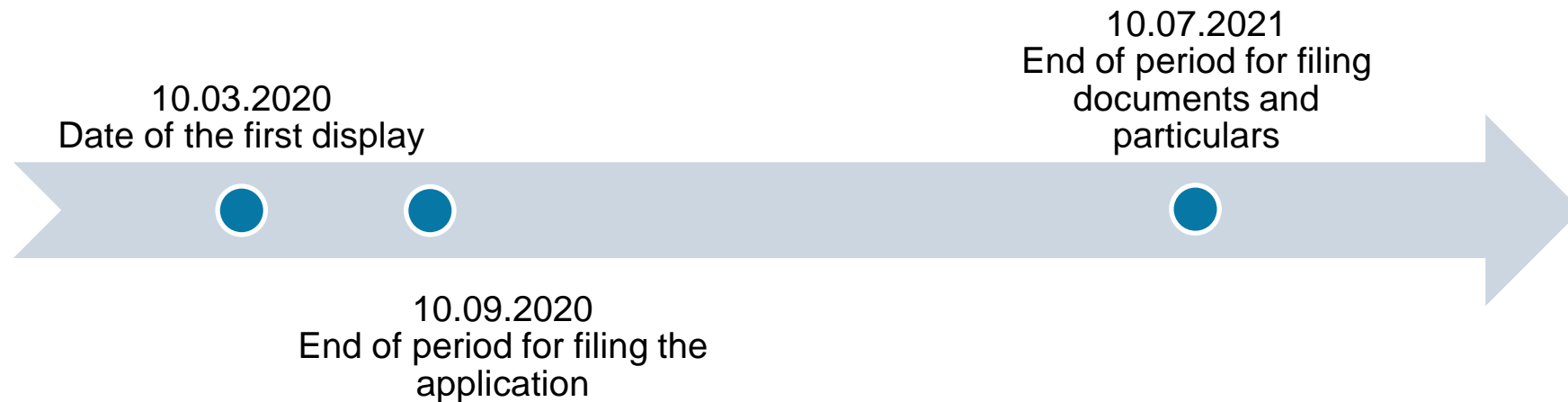
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# Period of priority

- Period for filing the application: 6 months from the date of the first display
- Period for filing the priority documents and subsequently submission of the particulars required: 16 months from the date of the first display

Example:





# Section 11 of the Design Ordinance

(1) [...]

(2) If an exhibition priority is claimed, the date of the first display and the name of the exhibition shall be indicated. A certificate shall be furnished as proof of the display (section 15 (4) sentence 1 of the Design Act), issued during the exhibition by the unit in charge of protection of intellectual property at that exhibition. The certificate shall confirm

1. that the design was disclosed at the exhibition,
2. the opening day of the exhibition and
3. the day when the design was first disclosed if the first disclosure does not correspond to the opening day of the exhibition.

The form issued by the German Patent and Trade Mark Office is to be used for the certificate. The certificate shall contain a representation of the actual disclosure of the design certified by the mentioned unit.

(3) [...]





## Further requirements

- Presentation of the design at the exhibition, in a way that it has been made available to the public
- Factual identity between the design displayed and the design applied for
- Personal identity between the exhibitor and the applicant





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# Example of a design registration with an exhibition priority

German registered design no. 402017000237-0001 (glasses)



# Example of a design registration with an exhibition priority

INID	Kriterium	Feld	Inhalt
19	Datenbestand	DB	DE
	Bestandsart	BA	Aktiv
	Designnummer	DNR	402017000237-0001
21	Aktenzeichen	AKZ	402017000237/6
11	Registernummer	RN	402017000237
	Designzustand	DST	Design eingetragen
	Aufschiebungsstatus	AUF	keine Aufschreibung
22	Anmeldetag	AT	27.02.2017
23	Ausstellungspriorität(en)	PRD PRC APR	31.08.2016 DE EUROBIKE THE GLOBAL SHOW – 25. Internationale Fahrradfachmesse, Friedrichshafen
15	Eintragungstag	ET	10.04.2017
	Veröffentlichungsdatum	VT	05.05.2017
	Erzeugnis(se)	ERZ	Brillen
51	Warenklasse(n)	WKL	16-06
	Warenklassenversion		11
	Zahl der Darstellungen	ZD	7
57	Beschreibung	BE	Brille: Fig. 1 zeigt eine Ansicht des Designs von der Seite; Fig. 2 zeigt eine Ansicht von vorne; Fig. 3 zeigt eine Ansicht von innen; Fig. 4 zeigt eine Draufsicht des Designs von oben; Fig. 5 zeigt eine Draufsicht des Designs von unten; Fig. 6 zeigt eine perspektivische (3/4) Ansicht von vorne; Fig. 7 zeigt eine perspektivische (3/4) Ansicht von hinten.
73	Inhaber	INH	Günter Krauter, 73035 Rudersberg, DE
74	Vertreter	VTR	Prüfer & Partner mbB Patentanwälte Rechtsanwalt, 81479 München, DE

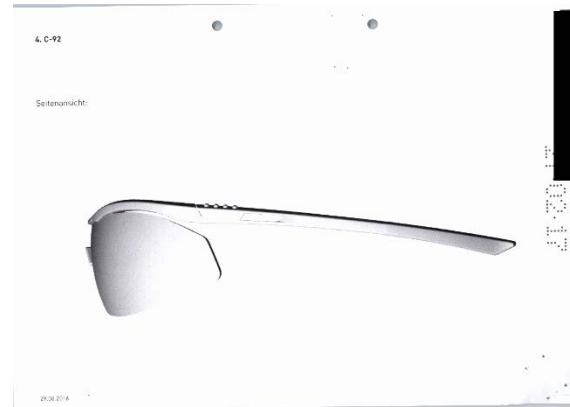


# Example of a design registration with an exhibition priority



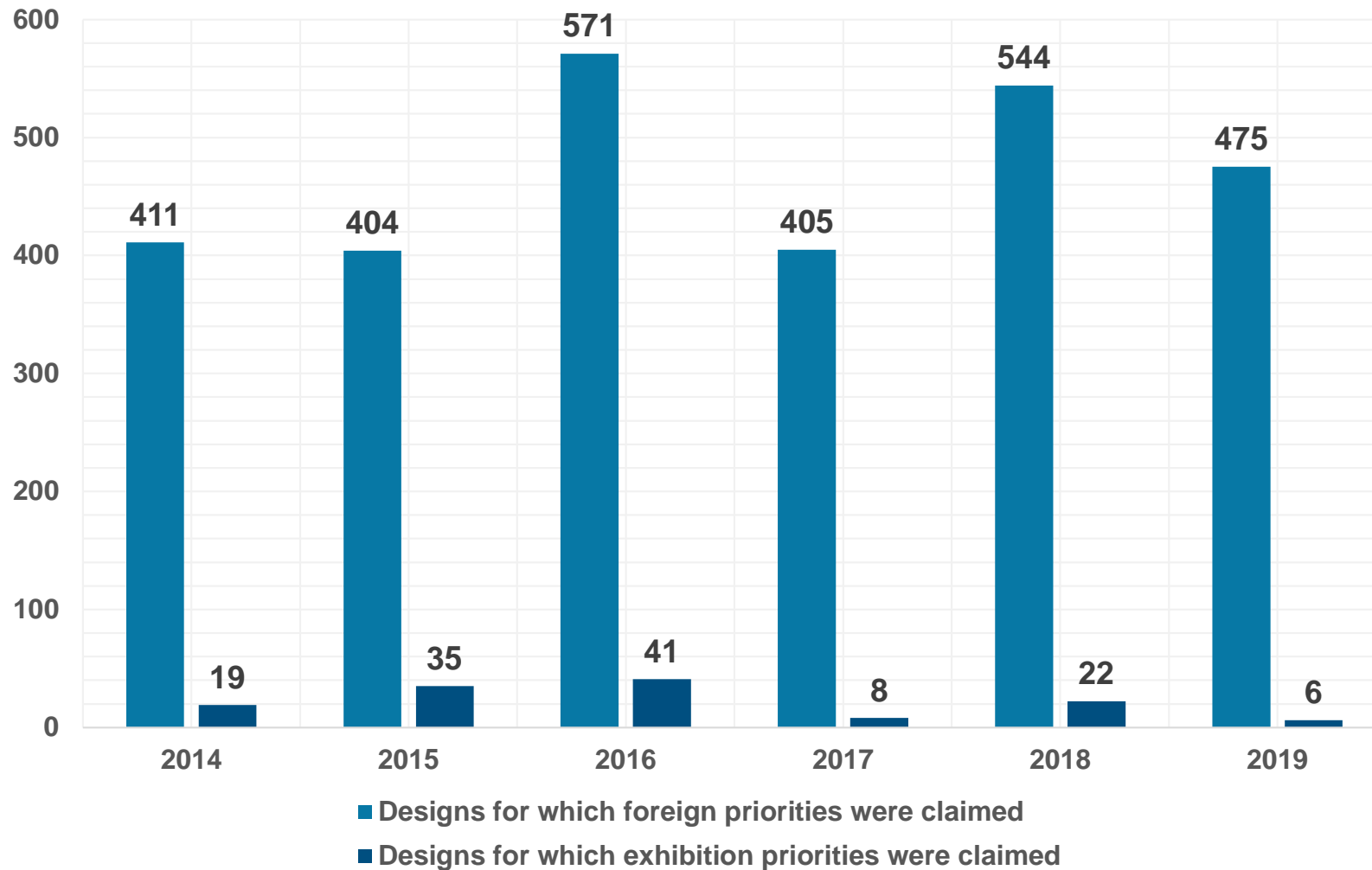


# Example representations





# Priorities for design applications





## Why is this instrument so rarely used?

- Lack of awareness/knowledge?
- Other procedural alternatives?



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## Lack of awareness/knowledge?





# Alternatives to exhibition protection

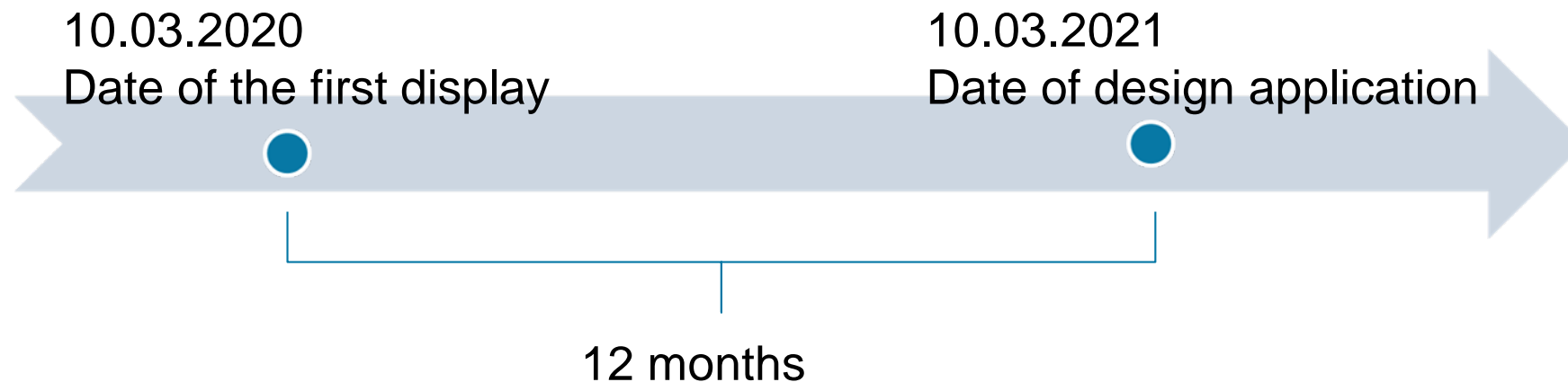
- Grace period for designer
- Application before exhibition, especially using the facility of a deferment of publication
- Unregistered Community design





# Grace Period

- grace period for designer according to section 6 of the Design Act
- effect: disclosures shall not be taken into consideration if they have occurred within a period of up to twelve months before the filing date.





# Application before exhibition, under deferment of publication

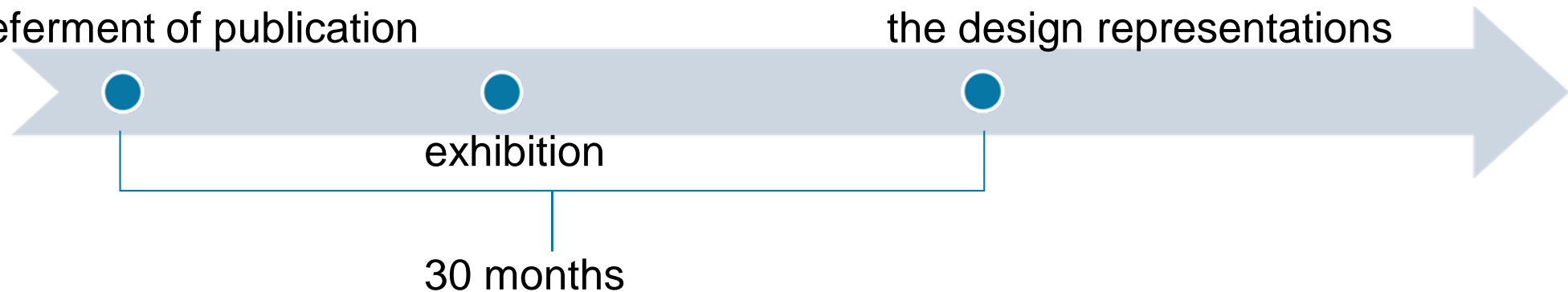
- **Section 21 Design Act: applying for the design while deferring the publication of the representation and later – after the exhibition – requesting extension to the full term of protection while publishing the design representations**

10.03.2020

Design application under  
deferment of publication

10.09.2022

full protection by publishing  
the design representations





# Unregistered Community design

Section 19 para. 2 of the regulation on community designs:

- **From the date of the first disclosure of a design within the EU – which includes presentation at an exhibition– protection against copying of a design is also granted by means of an unregistered Community design**



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Thank you very much for your attention!