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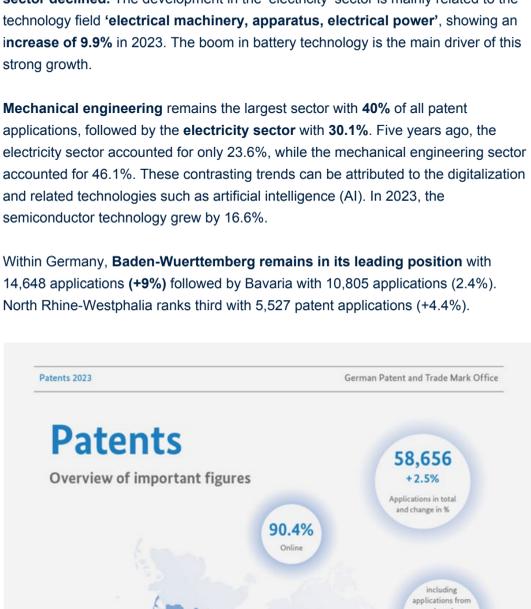
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GPTO Annual statistics 2023 — Increase in patent filings by German companies

For the first time since the beginning of the COVID pandemic, German companies filed more patent applications in 2023 than in previous years.

The annual statistics published by the German Patent and Trade Mark Office (GPTO) show a considerable increase in **domestic patent filings in 2023**. German companies filed 38,469 patent applications, an **increase of 3.4%** compared to the previous year. The number of patent applications from abroad decreased slightly to 20,187. The **total number of patent applications increased by 2.5% to 58,656**.



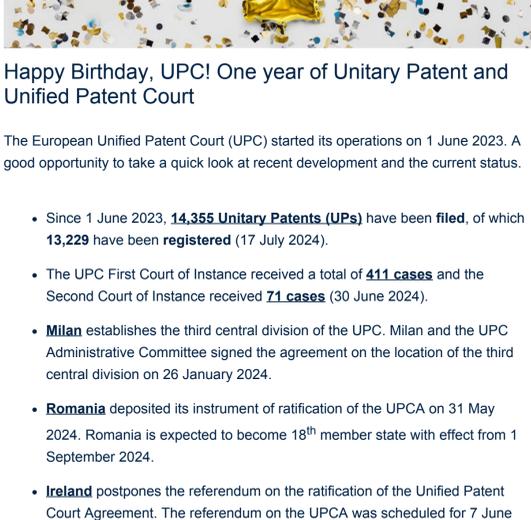
Source: GPTO

The GPTO statistics also show an increase in the number of valid examination requests and utility model applications in 2023, particularly in various **digital technologies** and in the **electric mobility** sector. There was a significant growth in **battery technology**, which can mainly be attributed to the increasing expansion of electric mobility. The main applicants in this field are German car manufacturers and car suppliers.

A particularly **significant increase** in patent applications was shown in the **'electricity' sector (+6.1%)** and in the 'instruments' sector, especially in the field of 'measurement' and 'analysis of biological substances', 'optics', 'control and regulation'. Patent applications in the field of **'mechanical engineering' increased slightly**. On the other hand, applications in the **'chemistry'** and in the **'building' sector declined**. The development in the 'electricity' sector is mainly related to the technology field **'electrical machinery, apparatus, electrical power'**, showing an **increase of 9.9%** in 2023. The boom in battery technology is the main driver of this strong growth.

Mechanical engineering remains the largest sector with **40%** of all patent applications, followed by the **electricity sector with 30.1%**. Five years ago, the electricity sector accounted for only 23.6%, while the mechanical engineering sector accounted for 46.1%. These contrasting trends can be attributed to the digitalization and related technologies such as artificial intelligence (AI). In 2023, the semiconductor technology grew by 16.6%.

Within Germany, **Baden-Wuerttemberg remains in its leading position** with 14,648 applications (**+9%**) followed by Bavaria with 10,805 applications (2.4%). North Rhine-Westphalia ranks third with 5,527 patent applications (+4.4%).



Source: GPTO

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Happy Birthday, UPC! One year of Unitary Patent and Unified Patent Court

The European Unified Patent Court (UPC) started its operations on 1 June 2023. A good opportunity to take a quick look at recent development and the current status.

- Since 1 June 2023, **14,355 Unitary Patents (UPs)** have been filed, of which **13,229** have been **registered** (17 July 2024).
- The UPC First Court of Instance received a total of **411 cases** and the Second Court of Instance received **71 cases** (30 June 2024).
- **Milan** establishes the third central division of the UPC. Milan and the UPC Administrative Committee signed the agreement on the location of the third central division on 26 January 2024.
- **Romania** deposited its instrument of ratification of the UPCA on 31 May 2024. Romania is expected to become 18th member state with effect from 1 September 2024.
- **Ireland** postpones the referendum on the ratification of the Unified Patent Court Agreement. The referendum on the UPCA was scheduled for 7 June 2024 and was to be held in conjunction with the European Parliament elections and the local elections. The Irish government announced that the reason for the postponement was that the Irish people were not sufficiently familiar with the European patent system and that more official discussions were needed. A new date for the referendum has not yet been set.

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New EU AI Act and new European AI Office

The council of the 27 EU member states adopted a unified framework for the implementation of artificial intelligence (AI) on 21 May 2024, after the EU parliament gave the green light to the AI Act draft on 13 March 2024.

The **AI Act** contains important regulations on artificial intelligence (AI) with regard to transparency, responsibility and the ethical use of AI technologies. It is the first law worldwide that establishes a legal framework for AI.

The following areas are regulated in the AI Act (Art. 1 AI Act):

- Harmonized rules for the **placing on the market, the putting into service, the use** of artificial intelligence (AI) systems in the European Union;
- **prohibitions of certain AI practices**;
- specific requirements for high-risk AI systems and obligations for operators of such systems;
- harmonized **transparency rules** for AI systems interacting with natural persons, for AI systems for emotion recognition and for biometric categorization and for AI systems for generating or manipulating image, sound and video content;
- rules on market monitoring, market observation and market surveillance.

The AI Act was published in the Official Journal of the European Union on 12 July 2024 and **enters into force** 20 days after its publication in the Official Journal, i.e. on **1 August 2024**. It will fully come into operation two years later. There are, however, several exceptions to be considered. The prohibitions will come into force after six months, the governance rules and obligations for general AI models will apply 12 months later and obligations for general AI models will come into force after 12 months and the rules for AI systems embedded regulated products after 36 months.

AI Act — Background

In April 2021, the AI Act was proposed by the EU Commission along with a new plan coordinated with the member states to ensure safety and human rights of individuals and enterprises while increasing investment and innovation in the EU. In January 2024, the EU commission launched an AI innovation package to support European startups and SMEs in developing trustworthy artificial intelligence. As part of these measures, the EU Commission established the European AI Office.

The **European AI Office** started its operations already in February 2021. It is supposed to employ over 140 staff, but is currently still under construction. The office is tasked with strengthening the development and use of AI in the EU by supporting research, promoting best practices and coordinating the cooperation between EU member states.

The AI Office was set up as part of the Directorate General for Communications Networks, Content and Technology (CNECT) and is supposed to play several key roles in the EU's AI strategy as centre of expertise in the EU. Of particular importance will be the AI Office's responsibility for the **regulation of general purpose AI models (GPAI models)** and AI systems based on a GPAI model and developed by the same provider is of special importance. However, the AI Office will also play an important role in the **adoption of AI codes of conduct, technical regulations and standards**. Supervising other AI systems regulated under the AI Regulation, however, will be directed to the national market surveillance authorities.

The national authorities responsible for implementing the AI Act have to be appointed 12 months after the AI Act enters into force. In Germany, as well in several other EU member states, the responsibility of the office has not been specified yet.

Adopting the EU AI Act and establishing an EU AI Office clearly show that the importance and the need for artificial intelligence are constantly growing and that a clear need for regulation has been developed. AI has already become an integral part of our daily lives. WITTEWELLER as a patent law firm is already applying artificial intelligence.

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1994-2024 – Celebrating 30th anniversary of European Union trademark and EUIPO

30 years ago on 15 March 1994, the EUIPO's (EU trademark) incredible success story began with the launch of the European Union trademark continuing up to today. Since 1996, it has been possible to obtain trademark protection in all 27 EU member states. The **European Union Intellectual Property Office (EUIPO)**, formerly known as the Office for Harmonization in the Internal Market (OHIM), is the central responsible authority based in Alicante, Spain. The EUIPO was originally established solely as trademark office for the administration of EU trademarks. Since 2003, it has also been responsible for the administration and protection of designs.

The EUIPO has been a success story from the start. From 1996 to May 2024, **1,9 million EU trademarks** were filed (2,888,123 according to the **EUIPO statistics**, page 6). It is expected that the 3-million mark will be exceeded by the end of 2024. From 2002 to 2023, **1,8 million EU designs** were filed with the EUIPO (1,761,962 million according to the **EUIPO statistics**, page 4).

From the end of 2023, the EUIPO has also been responsible for geographical indications (GIs) for craft and industrial products. A new **EU Regulation no. 2023/2411** on the protection of geographical indications for craft and industrial products was consequently adopted on 16 November 2023. This new regulation provides for immediate protection of geographical indications for craft and industrial products such as jewelry, textiles and glass, within the EU, complementing the already existing protection GIs in the agricultural sector. From December 2025, requests for protection of GIs for craft and industrial products can be filed with the EUIPO.

The EUIPO has become an indispensable institution for the protection of intellectual property in Europe. Companies and individuals have both benefited enormously from intellectual property protection in the EU. The continued expansion of the EUIPO's competences clearly reflects the growing need for intellectual property protection throughout the EU.

WITTEWELLER, as an IP law firm for more than 30 years, has been closely following the developments of the EUIPO from the very beginning. We have filed countless trademark and design applications with the EUIPO and defended them on behalf of our clients. We look forward to following the EUIPO's developments of the next three decades.

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