Submission of Information by Third Parties

Germany

Third parties may submit information regarding prior art which could prejudice the grant of the patent[1]. That person will not become a party to the proceedings before the German Patent and Trademark Office (DPMA). The submitted information will be communicated to the applicant. The submission will be reviewed by the DPMA *ex officio* and – if relevant – it will be considered during the search or examination procedure. Third party observations may also be submitted during opposition proceedings[2].

[1] Section 43 (3), second sentence of the German Patent Act.

[2] Section 59 (5) of the German Patent Act.