

German Trademarks: Top Law Firms 2009

In 2008, 73,903 German trademark applications were filed at the German PTO, whereas in 2009, only 69,069 were filed. This is a decrease in filings of about 6.5 percent. Trademark filings are known to be pro-cyclical and the economic recession continued into 2009. With regard to the overall business climate trademark owners further postponed the introduction of new products and services. Only 8,364 of the German filings (12.1 percent) were conducted by the 50 most active law firms. This shows that the market for patent and trademark attorneys conducting German trademark filings is rather fragmented.

For the article, the top 200 law firms by number of German trademark applications in 2009 were examined as to their numbers of filings as well as registration percentages. This ranking refers to the top 50. The complete findings for the top 200 including all figures can be found on <http://www.country-index.com/facts.aspx?ID=3>.

As in the previous year, the most active agents in terms of German trademark filings were *Zimmer und Kollegen*, *Beukenberg* and *Lovells*. *Zimmer und Kollegen*, the newcomers of 2008, filed 18 percent more applications in 2009 than in the year before. They are ranked first while last year's first, *Beukenberg*, is now placed on rank two (compare Table 1).

Decrease in Filings

Several law firms experienced a decrease in DE filings of more than 20 percent. Dieter Laufhuetten of *Lorenz Seidler Gossel* explains that some of their clients from the industrial goods sector are strongly export-oriented which makes them vulnerable for a global crisis. They have conducted fewer filings than during the previous years, be it trademarks, industrial designs or patents. Oliver Rauscher from *Klaka Rechtsanwaelte* confirms: His law firm serves many medium-sized German companies with high export rates. As trademark projects tend to be expensive for them due to their international presence, their filing activity was moderate. Rauscher further states that, considering the Bainbridge judgement of the ECJ, *Klaka* discouraged some clients from filing new trademarks that were derived from an existing one.

Shift towards CTM trademarks

A decrease in filing does not necessarily result in less business for the law firms in general. There may have been a shift towards other activities like litigation for example. Trademark owners are more willing to defend their existing rights in times of economic recession. Furthermore, the recent fee reduction for Community trademarks has led to an increase in CTM filings (73,032 CTM Trademarks in 2009, 70,939 in 2008). Christian Spintig from *Eisenfuehr, Speiser & Partner* thinks that the importance of German trademarks is declining compared to CTMs. Due to the restrictive examination practice of the German PTO regarding absolute grounds, they tend to recommend applying for a CTM instead. Alexander Spaeth from *CMS Hasche Sigle* agrees. Further, he explains that the decrease in his law firm's filing activities is also due to the fact that they had conducted a series of trademark filings for a major client in the previous year.

Internet becomes more important

Strikingly, half of the top 10 law firms offers their filing services via the Internet, targeting price-sensitive clients (compare Table 2). Among these are the law firms *Zimmer und Kollegen*, *Beukenberg*, *F200 A/S/G GmbH*, *Prehm und Klare* and *Ihr Anwalt 24*. The internet seems to become increasingly important as a marketing platform for law firms and as a sales platform for filing services – especially when it comes to smaller trademark owners.

However, the registration percentage of some of the price aggressive “internet law firms” are relatively low. This leads to the question: Can you expect good consulting quality from low budget services?

Personal contact is essential

Carsten Prehm from *Prehm und Klare* says that it is increasingly important to offer trademark filings at attractive prices. Nowadays even mid-sized and big companies become more and more price-sensitive, due to the intensified economic pressure. This also affects the area of filing services. On the other hand, as Prehm continues, it is important for the client whether the filing proceeds to registration or not. Therefore, it is of importance to contact the clients directly in order to advise them adequately. By doing this, they could be turned into valuable customers in the long run, he says.

Indeed, personal contact still seems to be of high importance for conveying a high quality of advice. Mario Bauer from *Bauer Wagner Priesmeyer* states that their quality standards do not allow them to provide low budget services via the internet. It is important for him to be involved in the trademark project early. Usually he supports his clients already during the trademark creation process. He closely interacts with them developing strategies for successful trademarks and sometimes even dissuades them from certain trademark filings. He says more and more clients realize that high registration ratios and a small percentage of disputes justify higher prices. With 98 percent registration rate, his law firm is one of the top law firms according to this quality criterion.

The law firms with the best registration rates tend to be the smaller ones. Among those with registration rates between 96 and 100 percent, there is just one out of the top 50 – *Dr. Kunz-Hallstein*. Joerg Grzam from *Gulde Hengelhaupt Ziebig* states that for small and medium-sized law firms it is easier to provide a detailed and comprehensive consulting due to their direct contact to the clients.

Method applied:

The data was researched in June 2010. Changes of names, mergers, spin-offs, acquisitions etc. remain unconsidered during the course of the year. The data was searched with www.markenfacts.de and the CEDELEX search software of S.M.D. Markeur which are based on the official data of the German PTO. The top 200 law firms were selected by the 2009 number of German trademark applications at the German PTO. IR designations to Germany were not considered. In case a law firm has more than one subsidiary, the most active office is mentioned together with the total amount of applications. 2009 and 2008 filings were analyzed regardless of their current state of proceeding. The chronological segmentation was undertaken according to the year of filing.

The registration ratio is the percentage of trademarks filed that were registered in the meantime irrespective of their current status. It was taken into consideration whether registration has taken place even if the trademark may no longer be registered currently. Reading example (Table 2, line 1): 53.92% of the trademarks filed by Zimmer & Kollegen in 2009 were registered until June 2010.

As the registration process can take up to one and a half years time, the registration ratio of the year 2009 may still change: Particularly, filings that were made in the end of 2009 may still remain in the registration proceeding. To convey a more detailed picture the registration ratio of 2008 are displayed below.

The trademark agents do not have an identification number at the German PTO. Instead, the PTO displays the names written on the application. Therefore, the numbers may deviate from those researched due to different spellings of names.

Filing does only constitute a small part of the companies' economic activity. Notably, the ranking cannot and does not represent a statement on the economic success or value of the companies contained.

*The article is based on a publication in *Markenartikel*, Issue 8, 2010*

Table 1 Top 50 Law Firms by German Trademark Applications in 2009

Rank	Law Firm	Applications 2009	Applications 2008	Changes in %
1	ZIMMER UND KOLLEGEN, Berlin	790	668	18,26
2	BEUKENBERG, Hannover	645	747	-13,65
3	LOVELLS, Hamburg	429	537	-20,11
4	BOEHMERT & BOEHMERT, Bremen	414	438	-5,48
5	PREHM & KLARE, Kiel	384	284	35,21
6	F200 A/S/G GMBH, Berlin	270	264	2,27
7	MEISSNER, BOLTE & PARTNER, Munich	241	315	-23,49
8	HARMSSEN & UTESCHER, Hamburg	200	213	-6,10
9	CMS HASCHÉ SIGLE, Hamburg/Cologne	195	407	-52,09
10	IHR ANWALT 24 ZIERHUT AG, Munich	194	276	-29,71
11	GRÜNECKER, KINKELDEY, STOCKMAIR & SCHWANHAEUSSER, Munich	188	207	-9,18
12	EISENFUEHR, SPEISER & PARTNER, Bremen	165	213	-22,54
12	GRAMM, LINS & PARTNER GBR, Braunschweig	165	146	13,01
12	SKW SCHWARZ, Hamburg	165	88	87,50
15	SCHNEIDERS & BEHRENDT, Bochum	163	178	-8,43
16	RAU, SCHNECK & HUEBNER, Nuremberg	148	168	-11,90
17	TAYLOR WESSING, Munich/Frankfurt	143	200	-28,50
18	MITSCHERLICH & PARTNER, Munich	136	132	3,03
18	WEICKMANN & WEICKMANN, Munich	136	128	6,25
20	NESSERLHAUF, Hamburg	132	128	3,13
21	HABEL & HABEL, Muenster	128	169	-24,26
22	VON KREISLER, SELTING, WERNER, Cologne	123	107	14,95
23	LICHTENSTEIN, KOERNER & PARTNER, Stuttgart	119	147	-19,05
24	BUSSE & BUSSE, Osnabrueck	117	114	2,63
25	LUEBECK, Frankfurt	116	96	20,83
26	BIRD & BIRD LLP, Munich, Ddf, F.a.M.	115	110	4,55
26	COHAUSZ & FLORACK, Duesseldorf	115	132	-12,88
28	JONAS MBH, Cologne	114	147	-22,45
29	HANSMANN & VOGESER, Munich	113	157	-28,03
29	LORENZ SEIDLER GOSSEL, Munich	113	145	-22,07
29	WHITE & CASE LLP, Munich	113	106	6,60
32	GRAF VON WESTPHALEN, Freiburg	112	118	-5,08
33	VOSSIUS & PARTNER, Munich	111	91	21,98
34	JABBUSCH SIEKMANN & WASILJEFF, Oldenburg	110	131	-16,03
35	GESTHUYSEN, VON ROHR & EGGERT, Essen	107	111	-3,60
36	MANITZ, FINSTERWALD & PARTNER GBR, Munich	105	104	0,96
37	KLINGER & KOLLEGEN, Munich	99	70	41,43
38	MEISSNER & MEISSNER, Berlin	96	87	10,34
39	FPS RECHTSANWAELTE UND NOTARE, Hamburg/Frankfurt	95	177	-46,33
40	TERGAU & POHL, Nuremberg	93	101	-7,92

41	UEXKUELL & STOLBERG, Hamburg	90	71	26,76
42	KRAUSE, BETTINA, Tutzing	87	97	-10,31
43	GEITZ TRUCKENMUELLER LUCHT, Karlsruhe	86	81	6,17
43	LINDNER BLAUMEIER, Nuremberg	86	107	-19,63
45	LIPPERT, STACHOW & PARTNER, Bergisch Gladbach	85	78	8,97
46	LUTHER MBH, Hamburg/Cologne	84	68	23,53
47	MUELLER FOTTNER STEINECKE, Munich	83	37	124,32
47	REIMANN UND KOLLEGEN, Duesseldorf	83	62	33,87
49	KLAKA, Munich	82	121	-32,23
50	UNVERZAGT - VON HAVE, Hamburg	81	115	-29,57

Source: S.M.D. Markeur

Table 2: Registration Ratio of the Top 10 Law Firms, 2008-2009

Rank	Law Firm	City	Registration Ratio '09	Registration Ratio '08
1	ZIMMER UND KOLLEGEN	Berlin	53,92%	56,29%
2	BEUKENBERG	Hannover	51,32%	56,09%
3	LOVELLS	Hamburg	66,67%	75,42%
4	BOEHMERT & BOEHMERT	Bremen	78,74%	86,53%
5	PREHM & KLARE	Kiel	85,42%	84,51%
6	F200 A/S/G GMBH	Berlin	76,30%	64,02%
7	MEISSNER, BOLTE & PARTNER	Munich	75,93%	77,14%
8	HARMSSEN & UTESCHER	Hamburg	71,00%	75,59%
9	CMS HASCHÉ SIGLE	Hamburg/ Cologne	69,74%	48,16%
10	IHR ANWALT 24 ZIERHUT AG	Munich	75,77%	77,54%

Source: S.M.D. Markeur

Table 3: Law Firms by Registration Ratio 2008

Law Firm	City	Applications 2008	Registered	Registration Ratio '08
GULDE HENGELHAUPT ZIEBIG & SCHNEIDER	Berlin	72	72	100,00%
WILDE & KOLLEGEN	Cologne	26	26	100,00%
DR. KUNZ-HALLSTEIN	Munich	153	151	98,69%
DR. MEYER-DULHEUER & PARTNER	Frankfurt	64	63	98,44%
BAUER WAGNER PRIESMEYER	Aachen	50	49	98,00%
ENGEMANN · JOERG-BERTEN	Siegburg	43	42	97,67%
REHBERG HUEPPE + PARTNER	Goettingen	42	41	97,62%
HIEBSCH BEHRMANN WAGNER	Singen	41	40	97,56%
DR. HOFFMEISTER & BISCHOF	Muenster	36	35	97,22%
RITTERSHAUS UND KOLLEGEN	Mannheim	31	30	96,77%

Source: S.M.D. Markeur