## **Kluwer Patent Blog**

## "Offering" in the sense of the German patent statute is often underestimated

Thomas Musmann (Rospatt Osten Pross) · Friday, July 5th, 2013

by Bernward Zollner

The term "offering" must be understood in a broad sense. It is sufficient that the per-son who is offering draws the attention of the public to the offered object so that – clearly – advertisements or brochures can be qualified as an offer in the sense of the patent statute. In this context it is worthwhile remembering what is not necessary for an activity to be qualified as "offering". It is not necessary that the offering is success-ful and that the marketing follows the offering. It is not necessary either that prices or details for a contractual agreement are submitted. It is not necessary that the offered object is already existing. However, the offer must be meant seriously and the offering person must be technically in a position to produce the product and to supply it. An "offering" can already be assumed if the offered object shall be made subject matter of a "demanding interest" of possible customers. On the other hand a simple press-release announcing an intent to later on commence production was considered to not qualify as offer.

## **Kluwer IP Law**

The **2022 Future Ready Lawyer survey** showed that 79% of lawyers think that the importance of legal technology will increase for next year. With Kluwer IP Law you can navigate the increasingly global practice of IP law with specialized, local and cross-border information and tools from every preferred location. Are you, as an IP professional, ready for the future?

Learn how Kluwer IP Law can support you.

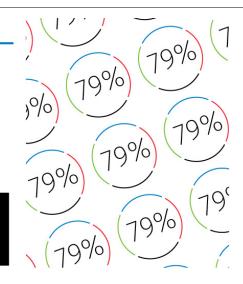
1

To make sure you do not miss out on regular updates from the Kluwer Patent Blog, please subscribe here.

79% of the lawyers think that the importance of legal technology will increase for next year.

**Drive change with Kluwer IP Law.** The master resource for Intellectual Property rights and registration.





2022 SURVEY REPORT The Wolters Kluwer Future Ready Lawyer Leading change

This entry was posted on Friday, July 5th, 2013 at 2:52 pm and is filed under Germany You can follow any responses to this entry through the Comments (RSS) feed. Both comments and pings are currently closed.