



A Service of the Chamber of Patent Attorneys



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Duties to inform under the Ordinance on Service Providers' Duty to Inform (DL-InfoV).

The Ordinance on Service Providers' Duty to Inform, which entered into force as of 17th May, 2010, implements requirements of the Service Directive 2006/123/EC. The Ordinance lays down detailed duties to inform for patent attorneys vis-à-vis clients. It distinguishes between information which must always be provided and information which must be made available on request.

Information which must always
be provided pursuant to
DL-InfoV section 2

Before a mandate is granted, the following details must be provided in a clear and comprehensible form:

- > complete name, company name and legal form where applicable
- > professional title "Patentanwalt" with "Germany" as the country awarding it
- > address of law firm with contact details (telephone and e-mail or fax)
- > commercial register or register of partnerships with court of registration and register number where applicable
- > membership of the Patentanwaltskammer, including its address, as the authority responsible
- > name and address of the professional risk indemnity insurance with territorial scope of application
- > VAT identification number
- > General Terms and Conditions where applicable
- > contract clauses on applicable law and legal venue where applicable

It is sufficient if this information is made easily available to the client either on the premises of the law firm or on the website. As an alternative, the client concerned can be notified of the information or it can be included in detailed information documents which he is given.



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Information to be provided on request
pursuant to DL-InfoV section 3

Before a mandate is granted, the following information must be provided in a clear and comprehensible form on request:

- > a reference to the provisions of the professional code of conduct and its accessibility,
- > details of any multidisciplinary activities practised and the professional associations entered with other individuals which are directly connected to the service and, where necessary, the steps he has taken to avoid conflicts of interest,
- > the codes of conduct to which he is subject, the address at which they can be retrieved electronically, and the languages in which they are available, and
- > if he is subject to a code of conduct or belongs to an association which provides for an out-of-court dispute mediation procedure, details thereof, especially how to access the procedure and more precise information about the requirements.

This information, especially the mention of the Patent Attorneys Act, the Professional Code for Patent Attorneys, and the FICPI Code of Professional Conduct must be included in all the detailed information documents about the service.

In addition, DL-InfoV section 4 contains provisions on the necessary price quotations.

Failure to comply with the duties to inform is an administrative offence which is punishable by a fine of up to € 1,000.

Apart from that, the duties to inform under other laws continue to apply, cf. among other things the Telemedia Act, the Limited Liability Companies Act (GmbHG). Despite the many overlaps, attention must be paid to the various fields of application.

The complete text of the Ordinance on Service Providers' Duty to Inform is available at <http://www.dl-infov.de/>.