

Privacy Policy of the Austrian Patent Office (APO) for Services of Private-Law Nature

As in force from 23.10.2025

Preamble

This Privacy Policy applies to the rendering of services and information within the framework of § 57b Austrian Patent Act and § 22 Austrian Trademark Act without a public-law nature on the basis of private law, and the resulting processing of personal data by APO.

1. Controller and Data Protection Officer

1.1 Controller pursuant to the General Data Protection Regulation (GDPR):

Austrian Patent Office

Contact information:

Dresdner Straße 87

1200 Wien

e-mail: pkanzlei@patentamt.at

1.2 Data Protection Officer for APO:

Denise Mitteregger

Federal Ministry of Innovation, Mobility and Infrastructure (BMIMI)

Contact information:

Radetzkystraße 2

1030 Wien

e-mail: datenschutz@bmimi.gv.at

2. Information on processing purposes and legal bases

2.1 The processing of the personal data of APO's customers (i.e. 'data subjects' according to the GDPR are natural persons) is first and foremost carried out to facilitate the fulfilment of the respective contractual obligations, or, to the extent that this is necessary, for the fulfilment of pre-contractual obligations resulting from inquiries by data subjects.

2.1.1 The legal basis for the processing described in 2.1. is Art. 6(1)(b) GDPR.

2.2 Furthermore, the processing of the personal data of our costumers serves the purposes of IT security and continuous IT security monitoring. To this end, IP addresses are collected.

2.2.1 The legal bases for the processing described in 2.2 are Art. 6(1) lit. (c) and (e) GDPR.

2.3 The personal data of data subjects processed for the conclusion and fulfilment of contracts may subsequently be processed for archival and/or statistical purposes and/or scientific research, provided the outcome of such processing is not aimed at generating personalized findings.

2.3.1. The legal bases of the processing described in 2.2 are Art. 6(2) GDPR and § 7 Austrian Data Protection Act (*Datenschutzgesetz*).

2.4 The processing of personal data of data subjects may also serve the purpose of enabling the APO to meet its legal obligations, e.g. with regard to internal audits or audits carried out by the Austrian Court of Audit (*Rechnungshof*) or the financial authorities, as well as possible processing of personal data for proactive publication or upon a request for information as provided by the Austrian Act on Freedom of Information (*Informationsfreiheitsgesetz – IFG*).

2.4.1. The legal basis of the processing described in 2.4. is Art. 6(1)(c) GDPR.

2.5. Personal data can also be processed if it is necessary for the purposes of the legitimate interests pursued by APO or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject, which require protection of personal data. Among these are ...

2.5.1 ... the enforcement of possible claims arising from the contractual or pre-contractual relationship.

2.5.2 ... the checking and optimization of procedures for analyzing demand and measures for the steering of business and the development of services.

2.5.3 ... the improvement of APO's advertising.

2.5.4 ... safety measures for APO's staff, other customers, APO's property, as well as

2.5.5 ... market and opinion surveys, direct mail advertising or, if the conditions of § 174 Austrian Telecommunications Act 2021 (*Telekommunikationsgesetz 2021*) are met, via e-mail for the same or similar services offered by APO, noting that the data subject has the right to object to these types of processing under Art. 21 GDPR at any point in time.

2.5.6 Legal basis for the data processing described in 2.5. is Art. 6(1)(f) GDPR.

2.6. To the extent that data subjects provide their express approval, their personal data will also be processed in order to send them APO's Newsletter per e-mail. Participants of the National Patent Award (*Staatspreis Patent*) can also agree to the processing of their data for the purpose of their participation.

2.6.1. The legal basis for the data processing described in 2.6. is Art. 6(1)(a) GDPR. The approval may be retracted at any point in time. This, however, does not in any way affect the legitimacy of the data processing up to said point in time.

3. Information regarding possible recipients of personal data

3.1. Personal data of data subjects is processed by APO's staff solely for the purposes described in 2.

3.2. Personal data may have to be transferred in order to meet legal obligations (e.g. with regard to the supervisory authority, Court of Audit, financial authorities) or for the legitimate interests pursued by APO or by a third party (*Finanzprokurator*, courts) to third parties.

3.3. It may be the case that personal data needs to be transferred to a processor for the fulfilment of a contract pursuant to Art. 28 GDPR.

4. Information on the duration of storage of personal data

4.1. Personal data is stored at least until the end of the contractual relationship. Regarding 2.2., the retention period is one year.

4.2. Furthermore, the storage periods for personal data result from provisions on file management as well as data retention periods required by statutory law. With regard to 2.2, the data storage period is max. one year.

4.3. Please note that statute of limitations provisions can also define the duration of data retention, which can be up to 30 years (cf. § 1489 Austrian Civil Code – ABGB).

4.4. If a data subject revokes the initial approval as provided for in 2.6., all personal data processed up to the date of revocation for these purposes on basis of the said approval shall be deleted.

5. Information on the rights of data subjects

5.1. All data subjects are legally entitled to:

5.1.1. Right of access pursuant to Art. 15 GDPR,

5.1.2. Right to rectification pursuant to Art. 16 GDPR,

5.1.3. Right to erasure (the 'right to be forgotten') pursuant to Art. 17 GDPR,

5.1.4. Right to restriction of processing pursuant to Art. 18 GDPR,

5.1.5. The right to object pursuant to Art. 21 GDPR,

5.1.6. Right to data portability pursuant to Art. 20 GDPR,

5.1.6.1. (According to Art. 20(3) GDPR, the right to receive and transmit data, however, does not cover instances of processing for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Austrian Patent Office).

5.2. All data subjects have the right to file a complaint (*Beschwerde*) with the supervisory authority, i.e. the Austrian Data Protection Authority (*Datenschutzbehörde*).

6. Information whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the personal data and of the possible consequences of failure to provide such data

6.1. In order to fulfil its contracts, it is necessary for the Austrian Patent Office to process personal data.

6.2. There is no legal obligation to provide personal data with regard to APO's services.

6.3. Not providing such data may, however, result in an inability to exercise certain rights that the relevant laws governing industrial property would otherwise allow for.

7. Information on the existence of automated decision-making including profiling

7.1. APO does not use the personal data of data subjects as a basis for automated decision-making.

7.2. APO does not use the personal data of data subjects in profiling.

8. Information relevant to website users regarding cookies and web analysis

8.1. In order to make our range of services as user-friendly as possible, our website uses so-called 'cookies'. Cookies are small text files which the browser drops on your electronic device and will not cause any damage.

8.2. Some cookies remain saved on your device until you delete them. These enable us to recognize your browser the next time you visit our website. In case you want to avoid this, you can change your browser settings to inform you of the dropping of cookies and to let you decide whether you allow this. Please note, however, that such a procedure may possibly prevent your ability to fully use all functions of our website.

8.3. Our website uses Matomo (formerly Piwik), which enables statistical analysis of website use by means of cookies. This statistical analysis involves the transmission of user information, but the IP addresses are rendered anonymous in the process. Personal data is therefore not saved for the purposes of statistical analysis.