

GRUR Association and Lobby Register

On 1 January 2022, the "Act on the Introduction of a Lobby Register for the Representation of Interests vis-à-vis the German Parliament (Bundestag) and vis-à-vis the Federal Government" of 16 April 2021 (Lobbyregistergesetz – LobbyRG) entered into force.

The LobbyRG is intended to disclose who enters into contact with members of the Parliament and the Federal Government and which social and economic interests are represented in the process.

Thus, in order to disclose the "lobbying structure" behind the contact, all natural persons and organisations that contact members of the Parliament or the Federal Government with the intention of "influencing political processes or commissioning such activities if their activity exceeds a materiality threshold defined in the law and if none of the exceptions provided for in the law apply" must register in the lobby register.

This raises the question of whether the GRUR association must register in the lobby register.

1. Nature and self-conception of the GRUR Association

The GRUR Association is a non-profit recognised scientific legal association and expressly not an interest group. All members of professional groups and organisations active in the field of industrial property protection and copyright belong to the Association. These are, in particular, university lecturers, judges, civil servants, lawyers, patent attorneys as well as representatives of associations and companies.

According to its statutes, the objectives of the Association are to promote the science and research as well as to promote the education and continued education with the primary aim of fostering and further developing intellectual property rights, in particular industrial property law, copyright and unfair competition law, as well as antitrust law and other related areas of law at national, European and international level.

The particularity of the GRUR Association results, on the one hand, from the concentration on professional issues, i.e. from the exclusive effort to further develop the field of intellectual property law and its sub-disciplines. On the other hand, it results from the diversity of professional groups, which contribute the perspectives of academics, judges, lawyers, etc. to this further development.

2. Activities of GRUR in the statutory context

The directly relevant provision of the statutes of the GRUR Association with regard to the lobby register results from Article 3 (1) (e), which states: " The objectives of the Association shall in particular be pursued by: (...) support for the legislature and for administrative agencies with regard to the areas of law mentioned in § 2 para. (1) (...)" . The GRUR Association concentrates its activities, i.e. the maintenance and development of the statutory fields of law, exclusively on the professional level.

a. German Parliament and state parliaments

The GRUR Association does not maintain any contacts of its own accord with the German Parliament and its organs or with individual members of the Parliament or state parliaments (Landtagen) or individual state parliamentarians in order to influence political processes. Insofar as it is asked for its expertise by members of parliament or federal or state parliamentary committees, it comments on corresponding questions, which must relate to the statutory legal areas of GRUR. These statements are exclusively on the professional level.

b. Federal Ministries

aa) Federal Ministry of Justice

The GRUR Association has always belonged to the so-called "circles involved" and in this context maintains a regular professional exchange with the specialist departments of the Federal Ministry of Justice working in its statutory specialist fields. On request, expert opinions are issued on draft bills of relevant legislation. The opinions are prepared by the GRUR expert committees. The expert committees include representatives of various legal professions (such as lawyers, academics or judges), who contribute their respective views and expertise to the opinions. The preparation of the opinions is preceded by a broad and intensive discursive discussion within the expert committees. If different legal opinions are held on certain issues, these are disclosed as such and justified. The opinions reflect a broad, scientifically based range of opinions. They are published in the journal GRUR and on the homepage of the GRUR Association, where they can be viewed by anyone.

In addition, at the Ministry's suggestion, personal meetings take place between the chairpersons of the expert committees and the Ministry's officers/heads of unit. At these meetings, the chairpersons of the expert committees and the officers/heads of unit of the Ministry mutually report on the current substantive developments in their respective fields of activity.

bb) Federal Ministry of Economics; Federal Ministry of Health

Occasionally, the GRUR Association is also approached by the departments of the Federal Ministry of Economics and the Federal Ministry of Health, which are active in their statutory specialist fields, and asked to prepare professional and scientific opinions on draft bills.

3. Result: No obligation to register in the lobby register

Since the GRUR Association does not contact the German Parliament and its organs, the state parliaments or ministries in order to influence political processes, and only comments on legislative initiatives in response to direct and individual requests, the GRUR Association is of the opinion that it is not legally obliged to register in the lobby register.

Cologne, 05.10.2022

The General Board