

BOIP



Benelux Office for
**Intellectual
Property**

www.boip.int

BOIP: three countries, one IPO





Historic overview





Historic evolution

- from 3 national systems to one unitary system
- Benelux Trademark Law, executed by Benelux Trademark Office
- One office with its seat in The Hague, The Netherlands
- Possibility to file for a Benelux application through the Belgian and Luxembourgish ministries
- In 1996 competency for examination on absolute grounds
- In 2004 competency to handle oppositions (opened up per groups of classes)





Benelux Convention on IP

- An international treaty, concluded between the 3 BX countries
- Directly applicable on the BX territory
- 2005 (entry into force Sept 2006), modified 5 times



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Wet van 10 mei 2006 tot goedkeuring van het op 25 februari 2005 te Den Haag tot stand gekomen Benelux-verdrag inzake de intellectuele eigendom (merken en tekeningen of modellen), met Protocol (Trb. 2005, 96)

Wij Beatrix, bij de gratie Gods, Koningin der Nederlanden, Prinses van Oranje-Nassau, enz. enz. enz.

Allen, die deze zullen zien of horen lezen, saluut! doen te weten:
Alzo Wij in overweging genomen hebben, dat het op 25 februari 2005 te Den Haag tot stand gekomen Benelux-verdrag inzake de intellectuele eigendom (merken en tekeningen of modellen), met Protocol (Trb. 2005, 96) ingevolge artikel 91, eerste lid, van de Grondwet de goedkeuring van de Staten-Generaal behoeft, alvorens het Koninkrijk daaraan kan worden gebonden;

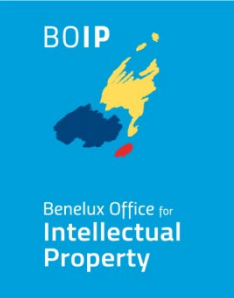
Zo is het, dat Wij, de Raad van State gehoord, en met gemeen overleg der Staten-Generaal, hebben goedgevonden en verstaan, gelijk Wij goedvinden en verstaan bij deze:

Artikel 1

Het op 25 februari 2005 te Den Haag tot stand gekomen Benelux-verdrag inzake de intellectuele eigendom (merken en tekeningen of modellen) met Protocol waarvan de Nederlandse en Franse tekst zijn geplaatst in Tractatenblad 2005, 96, wordt goedgekeurd voor Nederland.

Artikel 2

Deze wet treedt in werking met ingang van de dag na de datum van uitgifte van het Staatsblad waarin zij wordt geplaatst.



Benelux Organisation for IP

- Independent international organisation, successor of the two BX offices
- Legal personality at national and international level (accession to international treaties, etc.)
- Three executive bodies:
 - Committee of Ministers
 - Executive Board
 - Benelux Office for IP
- Office = executive body



Benelux Organisation for IP

- Official tasks → Art. 1.3, BCIP: 4 aspects
 - a. execution of BCIP and implementing regulations
 - b. promoting of IP-protection in BX-countries
 - c. additional tasks (decided by the Executive Board)
 - d. evaluating and adapting legislation
- Financial autonomy: BOIP is 100% self-supporting (own budget, revenues come from own activities)



Unique in the EU:

- 1 TM office for 3 countries, no national TM / DS
- An IP office with revenues based only on TM and DS

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Activities



TRADEMARKS



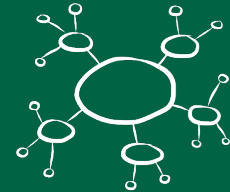
DESIGNS



IDEAS
(i-DEPOT)



ADDITIONAL
TASKS





Additional tasks | CaribBE

- BES-islands: Dutch communes but outside EU/BX; own TM regulation but no IP office
- Full execution of TM legislation by BOIP (no refusal/opposition)
- Self-financed, largely thanks to Madrid filings
- 100-200 domestic applications p/y and about 400-600 int'l applications

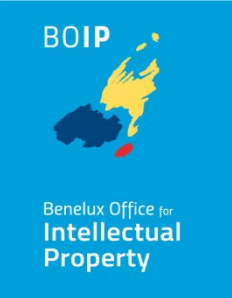


Right when you think you've got things covered; you get robbed anyway.

That's unfortunate!

Watch the whole story on kevinsfruitbar.com





Additional tasks | Sint-Maarten

- Autonomous entity in NL Kingdom, own IP system and IP office
- BOIP support in execution of TM legislation (automation, substantive examination...); new website and online register in 2022
- Tasks financed on ad hoc basis (hours declarations)
- 200-300 domestic applications p/y and about 600 int'l applications



Trademark Protection in Sint Maarten



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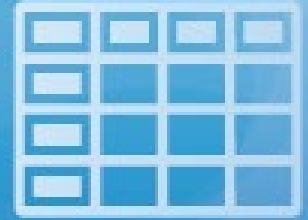
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Additional tasks | Benelux Patent Platform

- Common IT systems for processing patent in the three BX countries
- Owned by BOIP
- But of course: The actual users decide
- ...and pay the bills



Strong cooperation!



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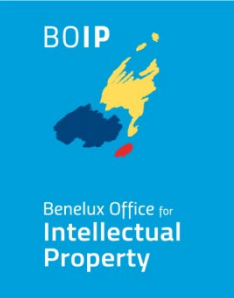
IP in the Benelux context



Specificities of the Benelux IP landscape

- Same challenges everywhere: increase awareness, special attention for SMEs, get IP on the (political) agenda...
- But specifically in the Benelux:
- Whereas we have asymmetric situations...
 - Some IP rights are Benelux (TM, DS) while others are national (patents, copyrights..)
 - Political priorities (incl. IP policy) and economic characteristics of the 3 Member States (might) differ
- ...IP requires a holistic and coordinated approach
 - Talk about IP as a coherent set, not as distinct rights
 - Present IP as a business driven solution, not as legal constraints
 - Promote IP in cooperation with all (relevant) institutions and partners





IP cooperation in the Benelux

- “Benelux Concertation”: coordination on key international matters (EUIPO, WIPO), strategic BX discussions
- “Coremo”: pre-discussion of Board meetings relating to IP/business/legal matters
- Bilateral cooperation in the field of IP promotion: variable geometry cooperation between BOIP and each MS



Challenges of the Benelux context

- Unitary right, without local fallback has some drawbacks for local entrepreneurs
- Self-supporting
- Governance and strong dependence on cooperation and political context
- 3 working languages and 3 countries requires staff with appropriate background
- Ensure geographical proximity to and contact with users on the whole territory to maximize benefits of regional system



Benefits of the Benelux context ^(1/2)

➤ For users:

- a bigger market immediately at reach $15,5 + 11 + 0,5 = 27M$
- a good lab / test market for marketing experts
- unique forum/body, simple and efficient
- lower fees: BX fees < BE+NL+LU
- lower fees for access to Madrid (& The Hague)
- good balance between bigger size and SMEs proximity

➤ Synergies / scale gains for all support activities:

- IT: one of the most advanced in EU (not possible alone)
- Finance: cost savings for MS
- HR, mix of countries, languages and culture





Benefits of the Benelux context (2/2)

- For small countries, gives advantages to move forward in innovation e.g. EN as working language
- Exposure of IP, market size and territory



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Trademarks
Intellectual Patents
Property Designs
Copyright Ideas

