



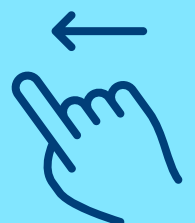
Let's be honest,
(sh)it happens.

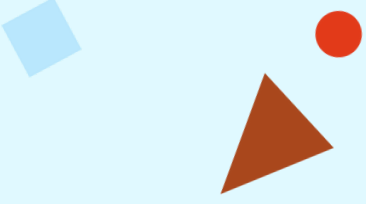
What to do if...

**an agent or
representative has
registered a TM
application in their
own name without
your consent?**

Read our explainer

Swipe





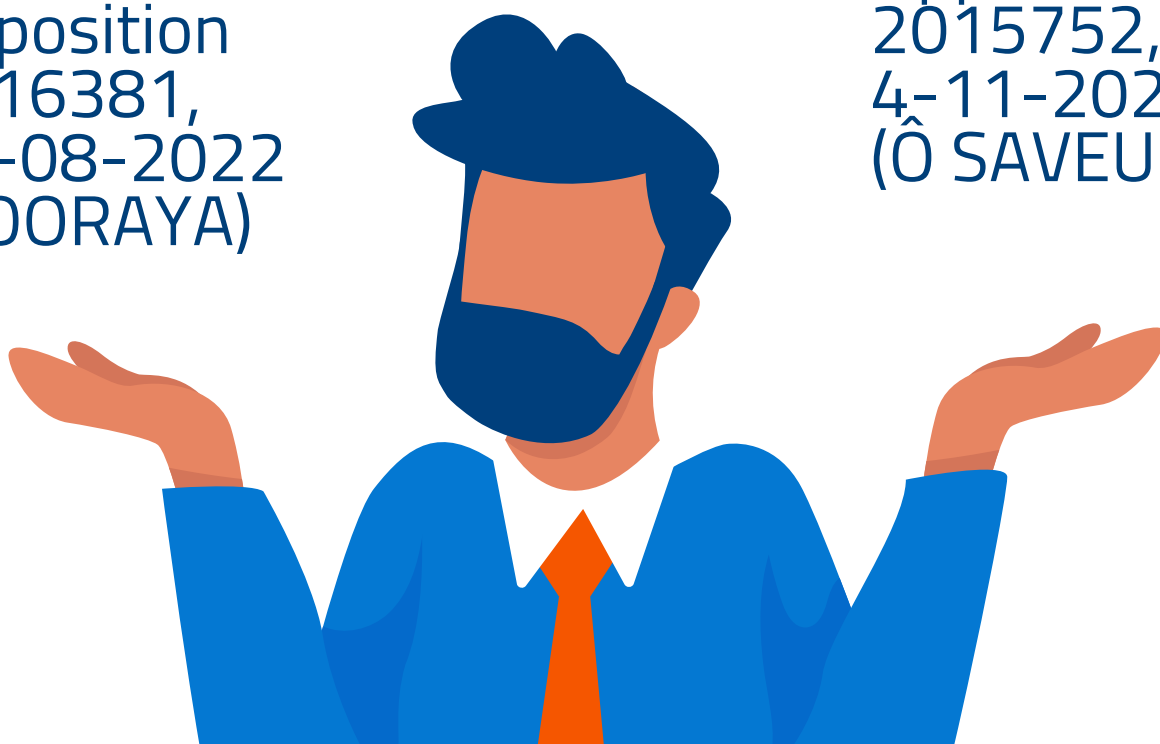
Article 2.2ter, (3)(b) Benelux Convention on Intellectual Property (BCIP) concerns the situation in which an agent or representative has filed or registered a trademark in his or her own name without consent.



This ground is rarely invoked,
BOIP only rendered two decisions
on this subject:

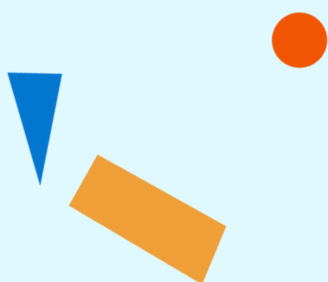
Opposition
2016381,
22-08-2022
(NOORAYA)

Opposition
2015752,
4-11-2022
(Ô SAVEUR)



This ground can **only** be invoked if **all** the following requirements are fulfilled:

- The opponent/claimant is the holder of an older trademark anywhere in the world.
- There is/was a relationship with the agent/representative.
- Registration is made in name of the agent/representative.
- There was no consent for the application.
- There is no legitimate reason for the application.
- It concerns a sign and goods & services that are identical or similar.





The objective is to prevent misuse by agents/representatives by taking advantage of the knowledge they have because of their relationship with the TM holder.

You can read more about this in the cases:

- 'First Defense Aerosol Pepper Projector' of the EGC (13 April 2011, T-262/09).
- 'Mineral Magic' of the ECJ (11 November 2020, C-809/18 P).

**Interesting topic, right?
If so, give it a like!**

