

BOIP

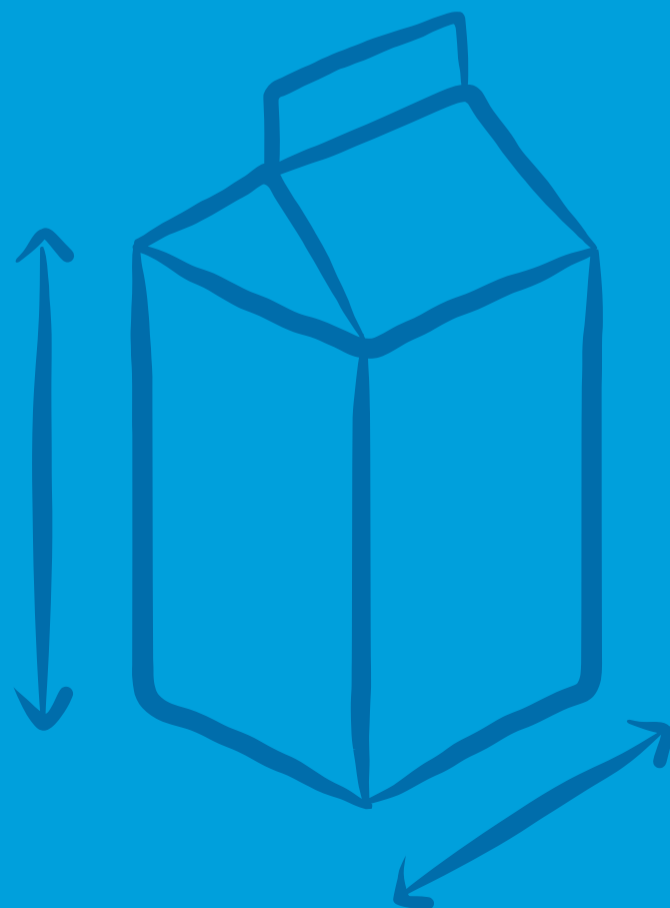
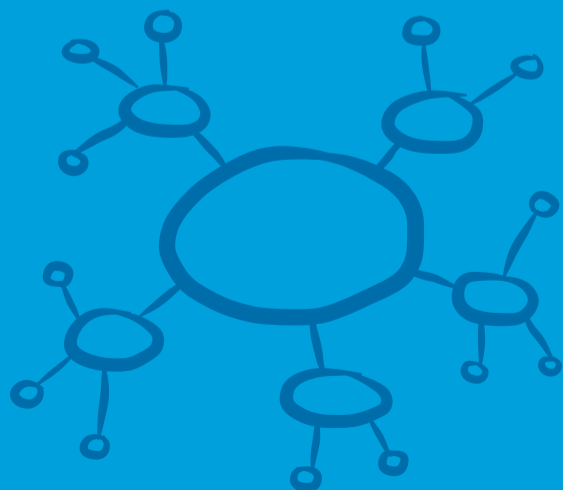


Benelux Office for
**Intellectual
Property**



Annual Report 2019

www.boip.int



Contents

4	Trademarks
14	Designs
17	i-DEPOT
20	Organisation
22	Summary financial statements
30	Independent auditor's report

Trademarks



Benelux filings 2015-2019 ¹²

2019	Benelux filings (in numbers)	20,418
	Of which submitted online (in %)	99.78
2018	Benelux filings (in numbers)	20,723
	Of which submitted online (in %)	99.80
2017	Benelux filings (in numbers)	21,633
	Of which submitted online (in %)	98.92
2016	Benelux filings (in numbers)	21,778
	Of which submitted online (in %)	99.06
2015	Benelux filings (in numbers)	22,211
	Of which submitted online (in %)	98.56

- 1 The numbers of filings are account for by the date of receipt of the application.
- 2 These statistics also comprise lapsed filings. Part of the lapsed filings is missing an application number and thus a country of origin. As a result, some discrepancies exist between the figures contained in this table and those contained in the table entitled 'Benelux filings by country of origin'.

Collective trademarks 2015-2019 (in numbers) ¹²

2019	24 ³
2018	53
2017	53
2016	88
2015	62

- 1 The numbers of filings are account for by the date of receipt of the application.
- 2 These statistics also comprise lapsed filings. Part of the lapsed filings is missing an application number and thus a country of origin. As a result, some discrepancies exist between the figures contained in this table and those contained in the table entitled 'Benelux filings by country of origin'.
- 3 Of which 21 collective trademarks were filed after the legislative amendment of 1 March 2019 (i.e. so-called 'new-style' collective trademarks), and 3 trademarks prior to 1 March 2019 (i.e. so-called 'old-style' collective trademarks).
See also: www.boip.int

Certification marks 2019¹

2019

49

1 As of 1 March 2019, certification marks could be applied for, in addition to individual and collective trademarks. Prior to 1 March certification marks were not available in the Benelux. See also: www.boip.int

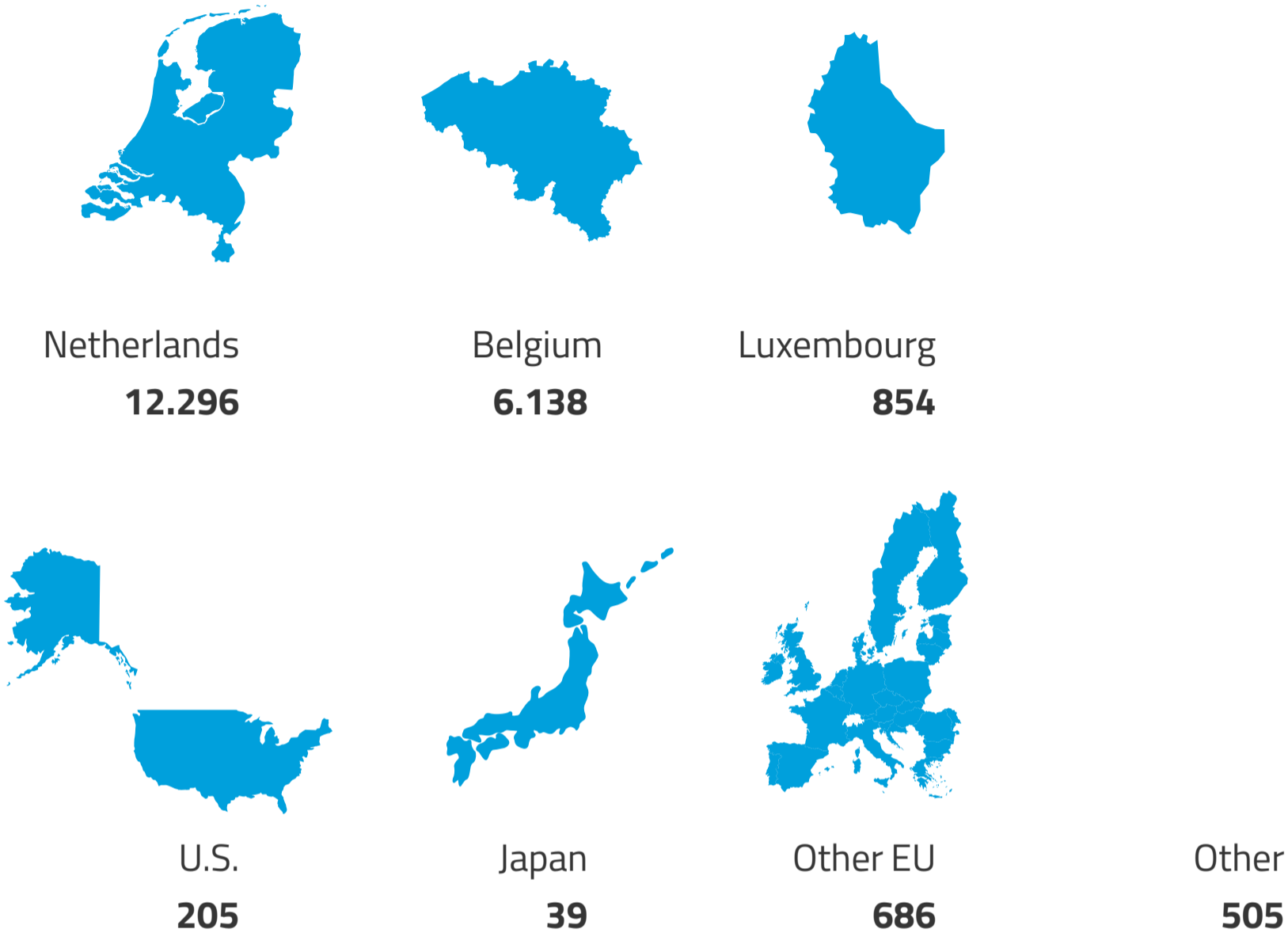
Breakdown of Benelux filings by country of origin 2015- 2019 (in numbers)

	2019	2018	2017	2016	2015
iDEAL	4,389	3,838	4,250	4,276	2,598
Bancontact/Mister Cash	520	563	945	815	416
Belfius Direct Net	210	142	0	0	0
Money transfer	4,069	5,333	7,554	8,195	14,582
CBC Online	32	17	0	0	0
DirectEbanking (BE)	4	4	0	0	0
ING HomePay	123	77	0	0	0
KBC Online	254	180	0	0	0
Current account	8,887	8,562	6,589	6,017	2,934
Maestro	54	60	0	0	0
MasterCard	1,111	1,113	1,208	1,327	884
Sofort Überweisung (DE)	4	3	0	0	0
VISA	759	831	972	1,062	723
Giropay	2				
Total	20,418	20,723	21,518	21,692	22,137

Breakdown of Benelux filings by language 2015-2019

	2019		2018		2017		2016		2015	
	Number	%	Number	%	Number	%	Number	%	Number	%
English	2,835	13.89	2,625	12.67	2,957	13.67	2,997	13.76	2,675	12.04
French	2,900	14.20	3,036	14.65	3,050	14.10	3,193	14.66	3,377	15.20
Dutch	14,683	71.91	15,062	72.68	15,626	72.23	15,588	71.58	16,158	72.75
Total	20,418	100	20,723	100	21,633	100	21,778	100	22,210	100

Breakdown of Benelux filings by country of origin 2019



Breakdown of Benelux filings by country of origin 2015-2019

	2019		2018		2017		2016		2015	
	Number	%	Number	%	Number	%	Number	%	Number	%
Netherlands	12,315	60.31	12,296	59.34	12,669	58.56	12,690	58.29	13,300	59.90
Belgium	5,850	28.65	6,138	29.62	6,296	29.10	6,305	29.00	6,208	28.00
Luxembourg	890	4.36	854	4.12	1,006	4.65	1,090	5.00	1,137	5.10
U.S,	226	1.11	205	0.99	254	1.18	298	1.40	339	1.50
Japan	56	0.27	39	0.19	18	0.09	25	0.10	32	0.10
Other EU	584	2.86	686	3.31	885	4.09	874	4.01	744	3.40
Other	497	2.44	505	2.43	505	2.33	489	2.25	451	2.00
Total	20,418	100	20,723	100	21,633	100	21,771	100	22,211	100

Number of trademarks published 2015-2019 (in numbers)

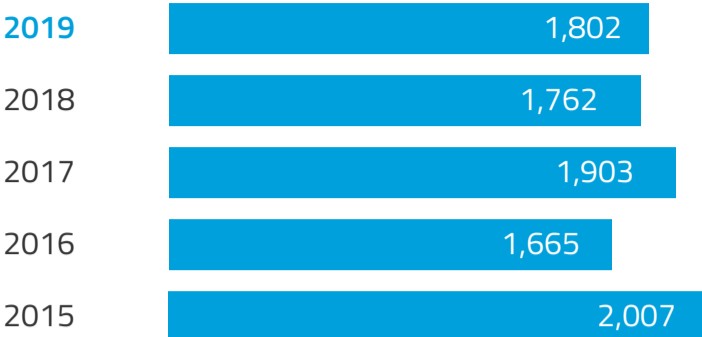
	Individual	Collective	Certification	Total
2019	18,581	73 ¹	49 ²	18,654
2018	16,623	39		16,662
2017	18,532	54		18,586
2016	18,929	66		18,995
2015	19,149	54		19,203

- 1 Of which 21 collective trademarks were filed after the legislative amendment of 1 March 2019 (i.e. so-called 'new-style' collective trademarks), and 3 trademarks prior to 1 March 2019 (i.e. so-called 'old-style' collective trademarks). See also: www.boip.int
- 2 As of 1 March 2019, certification marks could be applied for, in addition to individual and collective trademarks. Prior to 1 March certification marks were not available in the Benelux. See also: www.boip.int

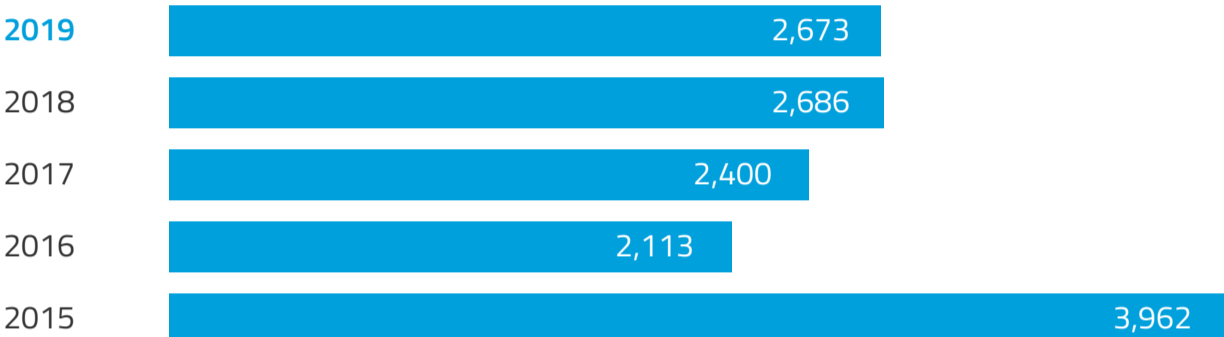
Requests for renewal 2015-2019 (in numbers)

	Individual	Collective	Total
2019	11,658	64	11,722
2018	13,438	59	13,497
2017	13,165	49	13,214
2016	13,153	60	13,213
2015	14,717	53	14,770

International registrations applied for via BOIP 2015-2019 (in numbers)



International registrations valid in the Benelux region 2015-2019 (in numbers)



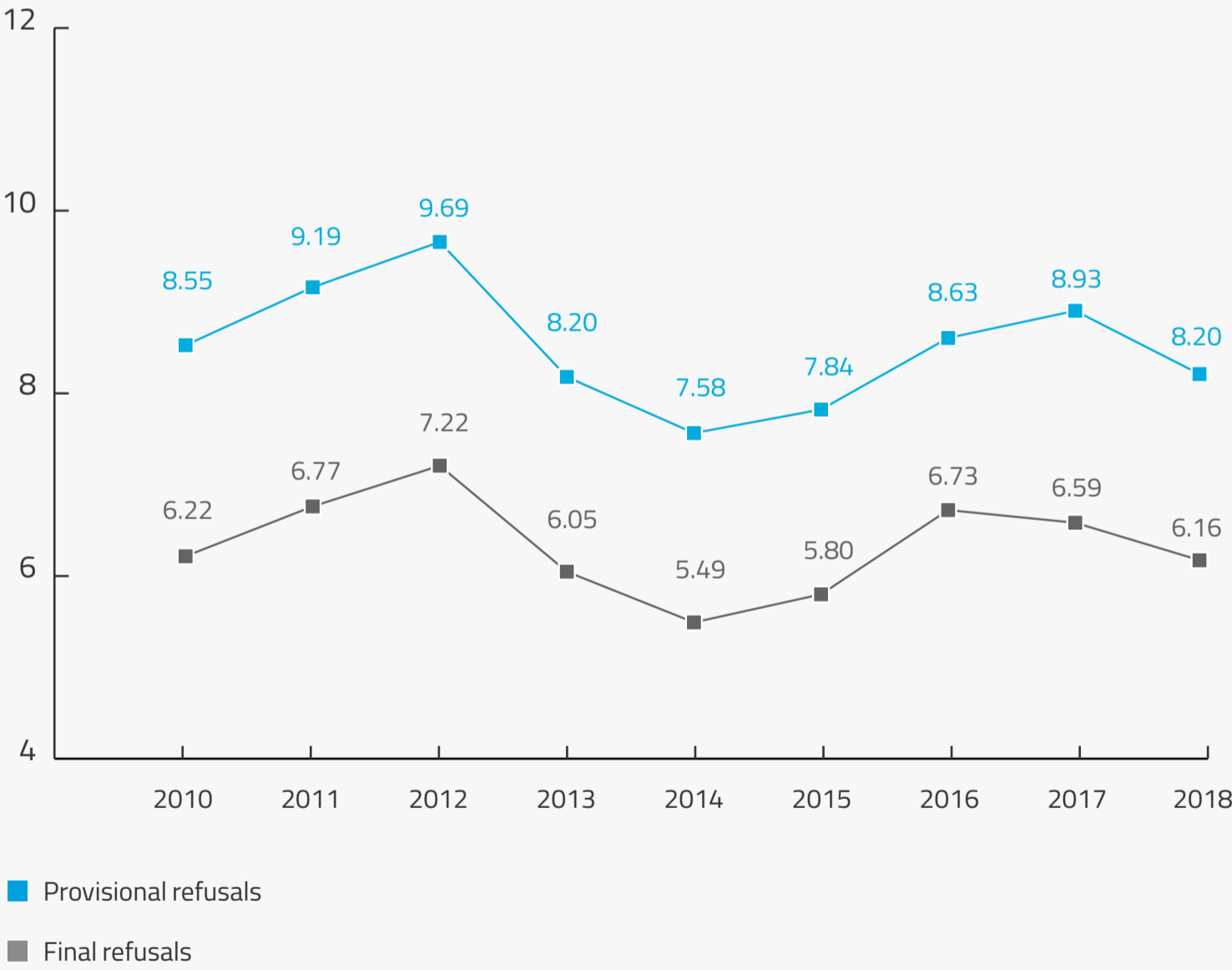
Refusals on absolute grounds - 2018 Statistics ¹

	Number	%
Benelux depots		
Total ²	20,802	100
Filed by trademark proprietors	8,380	40.28
Filed by agents	12,422	59.72
Provisional refusals		
Total	1,705	8.20
Full	1,635	
Partial	70	
Filed by trademark proprietors	915	10.92
Filed by agents	790	6.36
Filings resulting in registration despite provisional refusal ³	274	1.31
Filings withdrawn by request / cancelled priority registrations	112	0.54
Filings excluded from further processing	13	0.06
Objection period still underway (1,15 Implementing Regulations)	16	0.08
Final refusals		
Total	1,281	6.16
Of which cancelled priority registrations	52	
Full	1,229	
Partial	52	
Filed by trademark proprietors ⁴	845	10.08
Filed by agents ⁴	436	3.50
Objections lodged	269	
No objections lodged	1,012	
Appeal lodged (Article 2,12 BCIP) ⁵		
In Belgium	0	
In the Netherlands	2	
In Luxembourg	0	
<i>Après de la Cour de Justice Benelux (à partir de 2018)</i>	1	

Notes to the table 'Refusal on absolute grounds'

- 1 The statistics for 2019 are not yet available due to the deadlines specified for this procedure.
- 2 Only the admissible filings are included in these statistics.
- 3 This mainly concerns provisional refusals that were reversed following a response from the trademark proprietors/agents, e.g. when the filing was limited or proof of naturalisation was produced.
- 4 These refusals percentages are calculated relative to the number of filings submitted by trademark proprietors/agents.
- 5 In contrast to all other figures in this table, the totals of which have been calculated based on the filing date in the relevant year, the number of appeals has been calculated on the basis of the appeal submission date.

Development of refusals on absolute grounds versus the number of filings 2010 - 2018



Oppositions

	Number	%
Admissable	953	99.1
Inadmissable	9	0.9
Total	962	
Cancelled in 2019 (admissable oppositions)		
Total	577	60.5
Still under consideration (admissable oppositions)		
of 2019	375	39.3
Preferred language (admissable oppositions)¹		
Dutch	604	63,4
French	155	16,3
English	150	15,7
Opposition filed against (admissable oppositions)		
Benelux trademark	871	91.4
International trademark	82	8.6
Opposition based on (admissable oppositions)²		
Benelux trademark	316	33.2
European Union trademark	600	63.0
International trademark	225	23.6
Well known trademark (Art. 6bis Paris Convention)	39	4.1
Protected designations of origin and protected geographical indications ³	4	0.4
Trademark filed by agent ³	0	0

1 Multiple types of rights can be invoked for each opposition.

2 Some closures take place before the procedural language has been set.

3 Introduced as of 1 March 2019 following the transposition of the Trademark Directive 2015/2436.

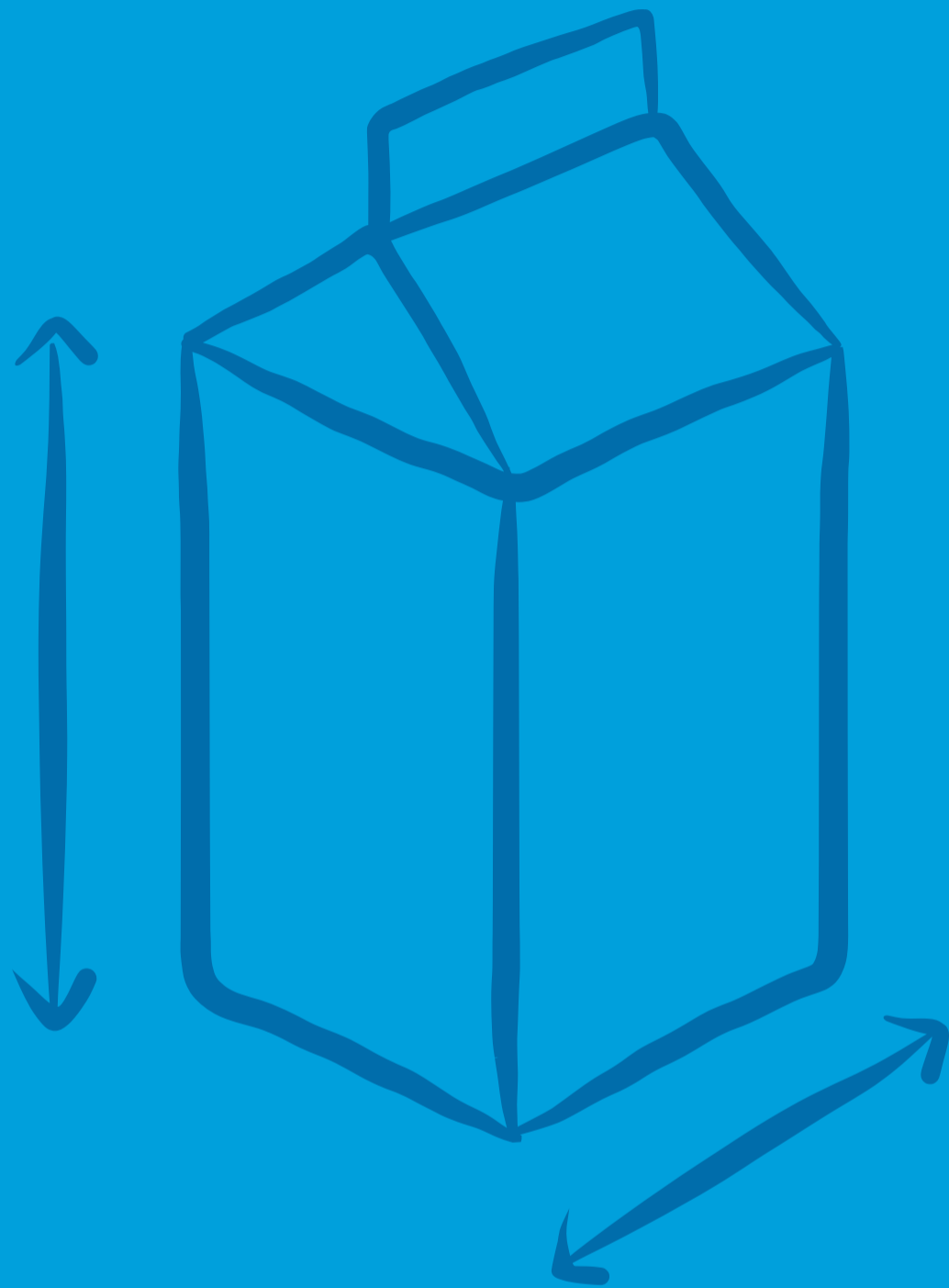
Cancellation procedures

	Aantal	%
Admissable	113	100.0
Inadmissable	0	0.0
Total	113	
Still under consideration (admissable applications)		
of 2019	65	57.5
Language of the proceedings (admissable applications) ¹		
Dutch	71	62.8
French	18	15.9
English	19	16.8
Cancellation filed against (admissable applications)		
Benelux trademark	91	80.5
International trademark	22	19.5
Based on (admissable applications) ²		
Revocation	67	59.3
Absolute invalidity	36	31.9
Relative invalidity	46	40.7

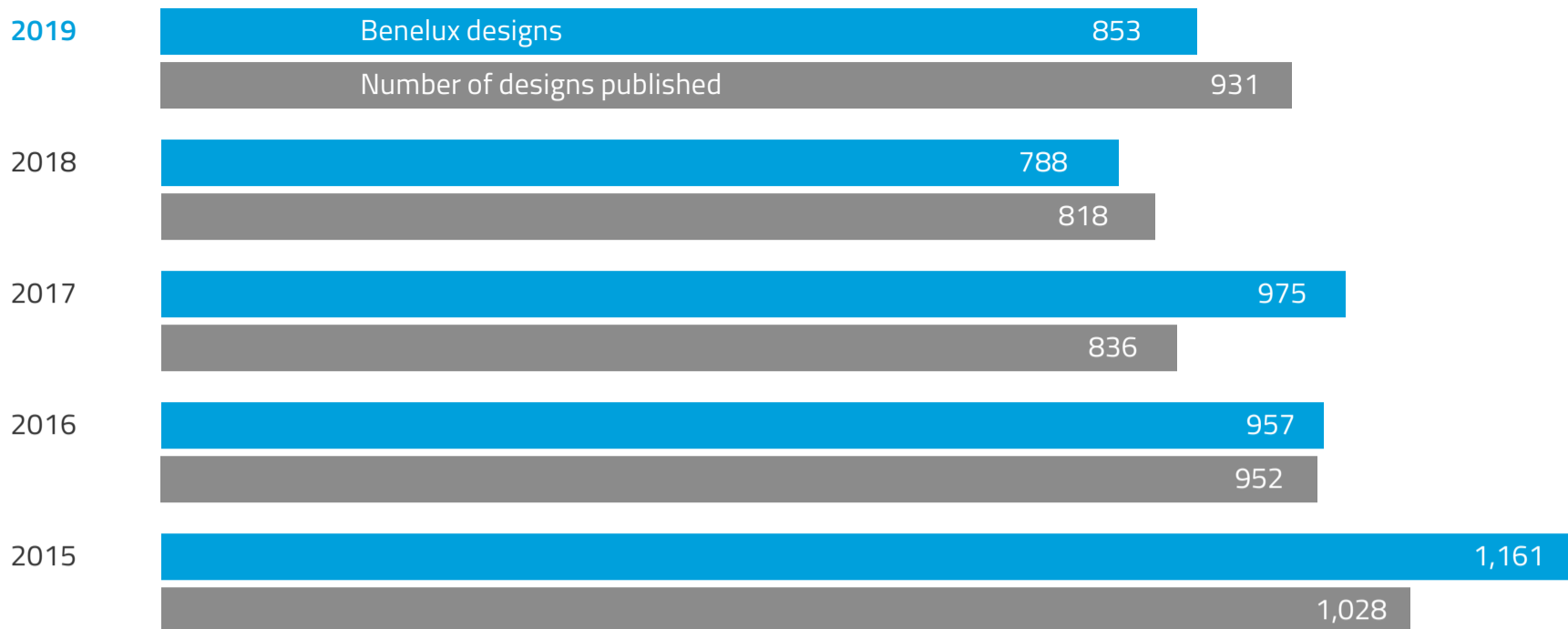
1 Some closures take place before the procedural language has been set.

2 Multiple grounds can be invoked in each application for cancellation.

Designs

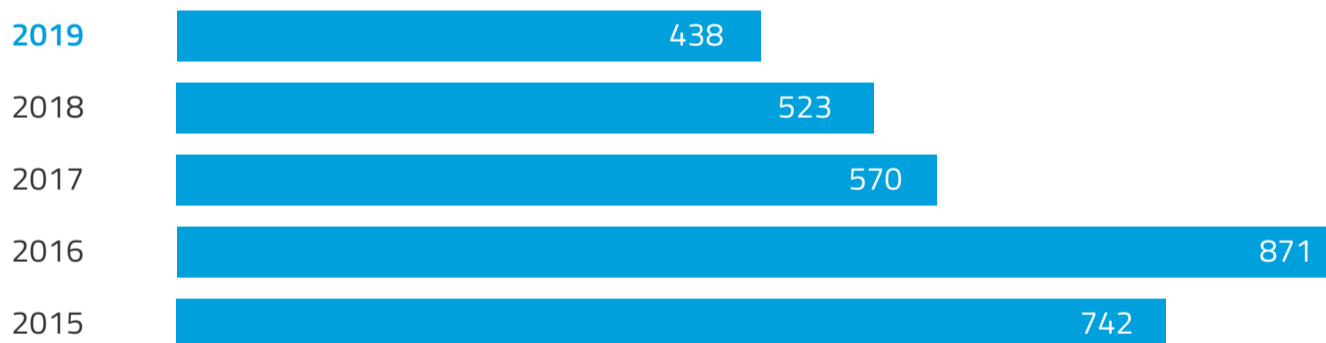


Benelux designs 2015 - 2019 (in numbers) ¹



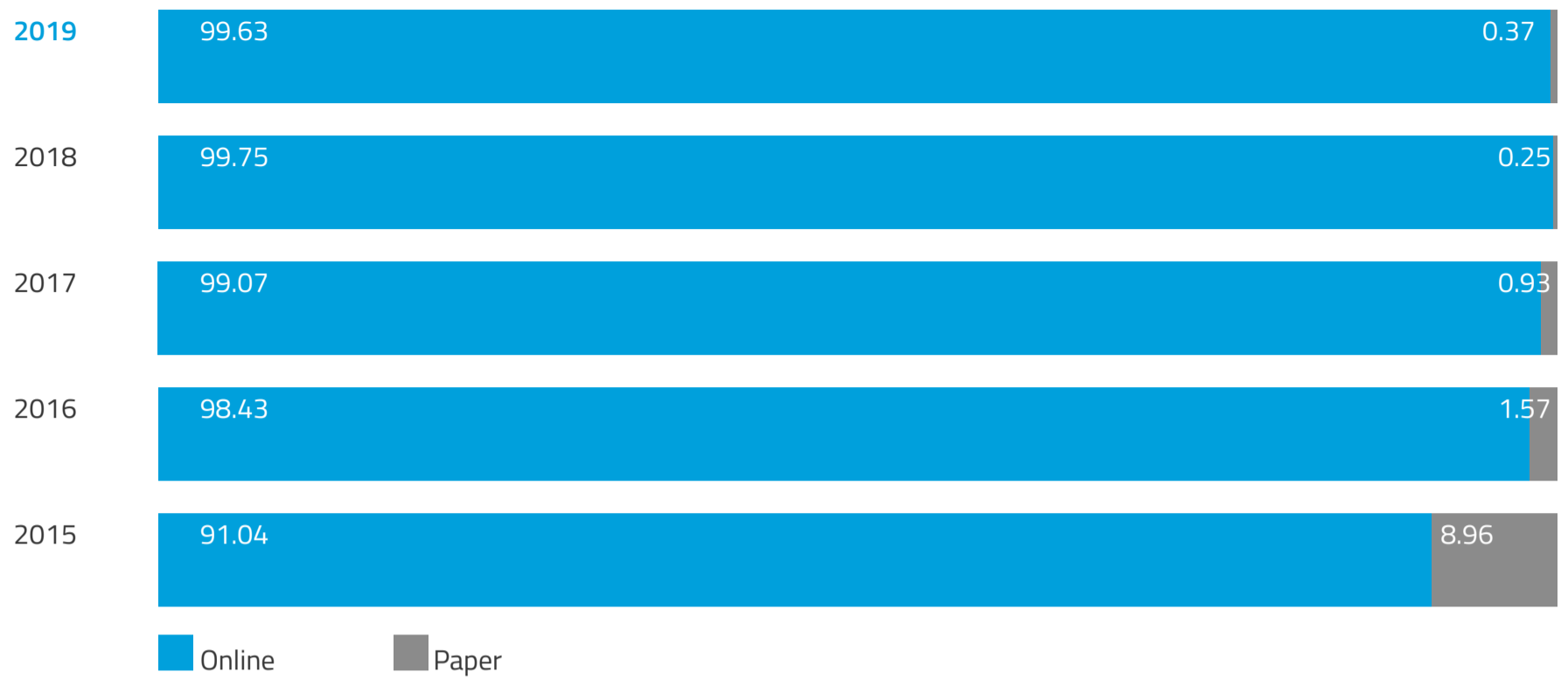
1 The figures contained in these tables are accounted for by the number of designs filed and not the number of filings. The figures only cover valid designs.

Requests for renewal 2015 - 2019 (in numbers) ¹



1 The figures contained in these tables are accounted for by the number of designs filed and not the number of filings. The figures only cover valid designs.

Type of submission 2014 -2018 (in %) ¹

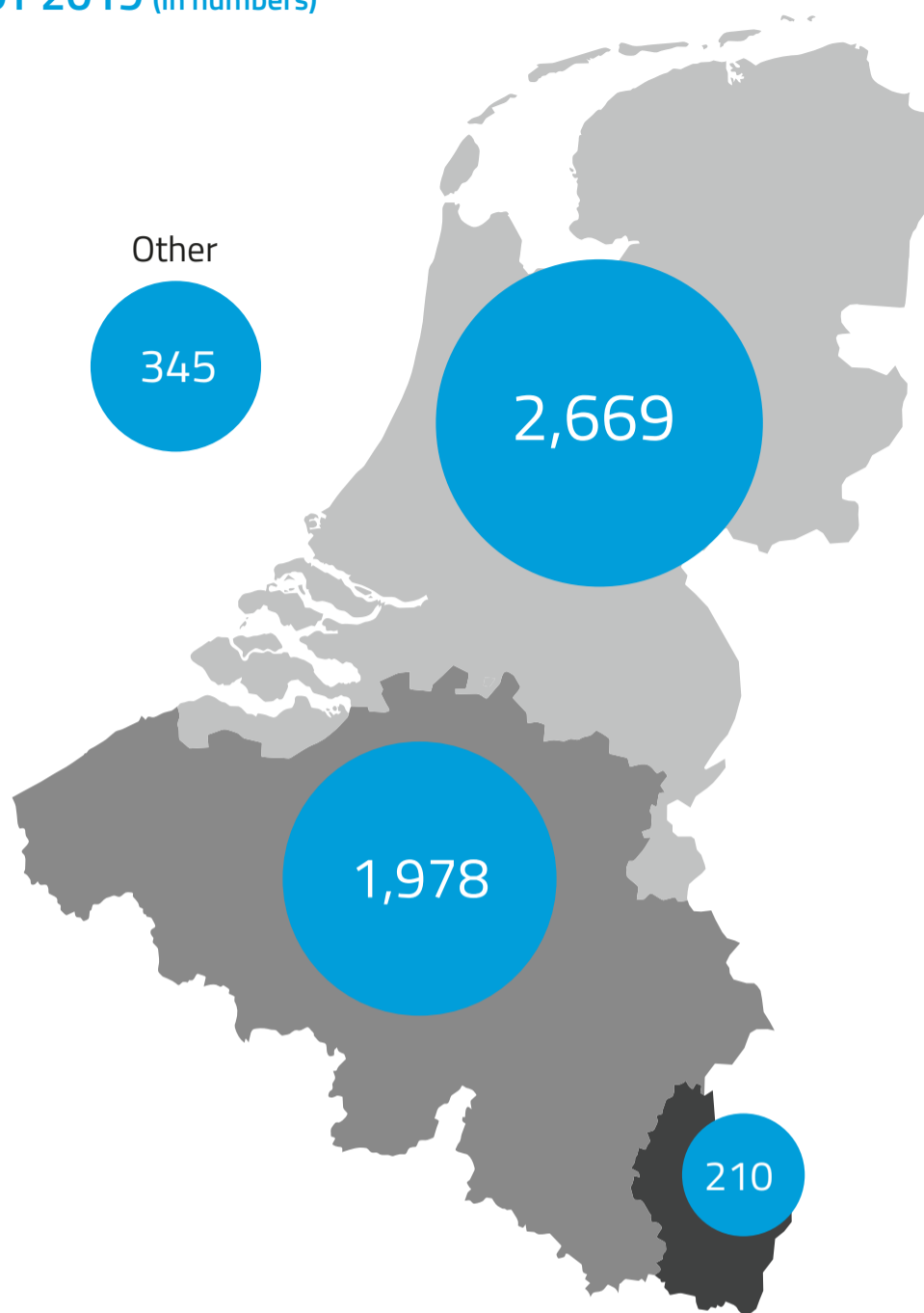


1 The figures contained in these tables are accounted for by the number of designs filed and not the number of filings. The figures only cover valid designs.

i-DEPOT



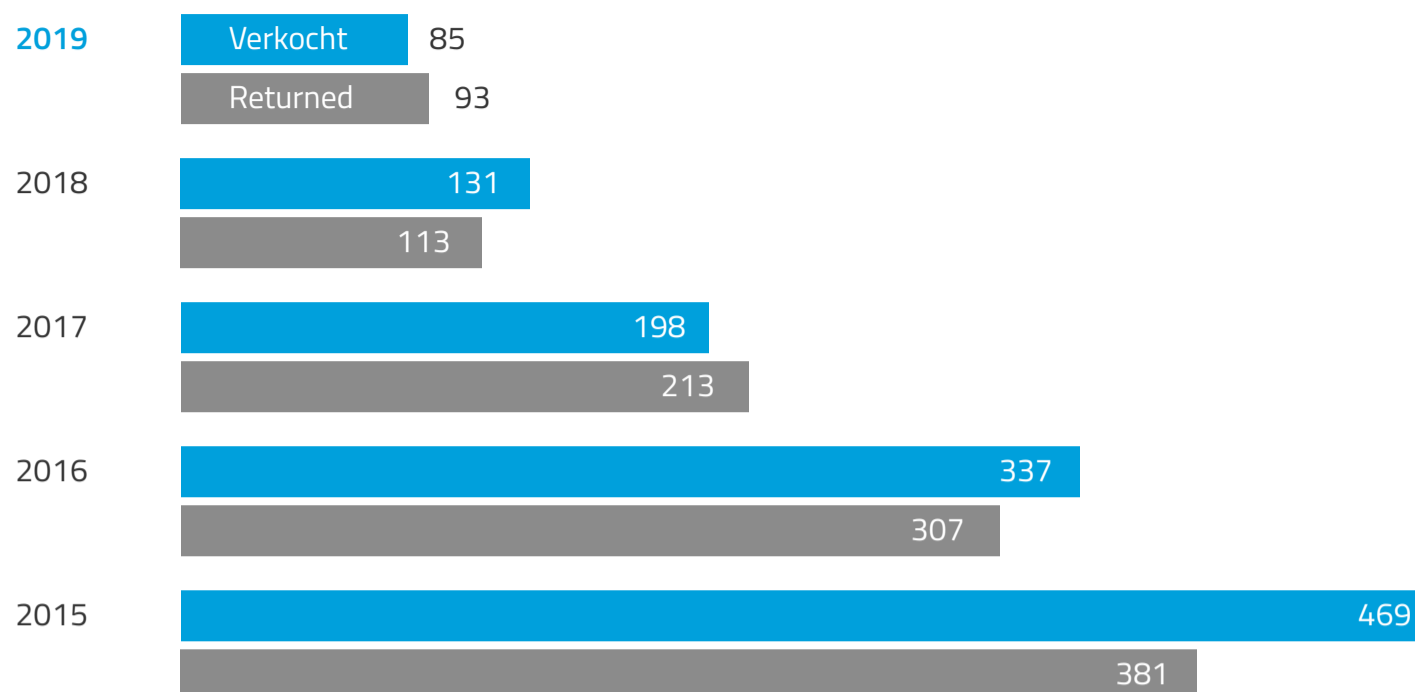
Online i-DEPOT 2019 (in numbers)



Online i-DEPOT 2015 - 2019 (in numbers)

	2019	2018	2017	2016	2015
Belgium	1.978	1.836	2.161	2.288	2.294
Netherlands	2.669	2.737	2.703	2.887	2.937
Luxembourg	210	191	172	245	177
Other	345	267	221	208	156
Total	5.202	5.031	5.257	5.628	5.564

i-DEPOT envelopes 2015 - 2019 (in numbers) ¹

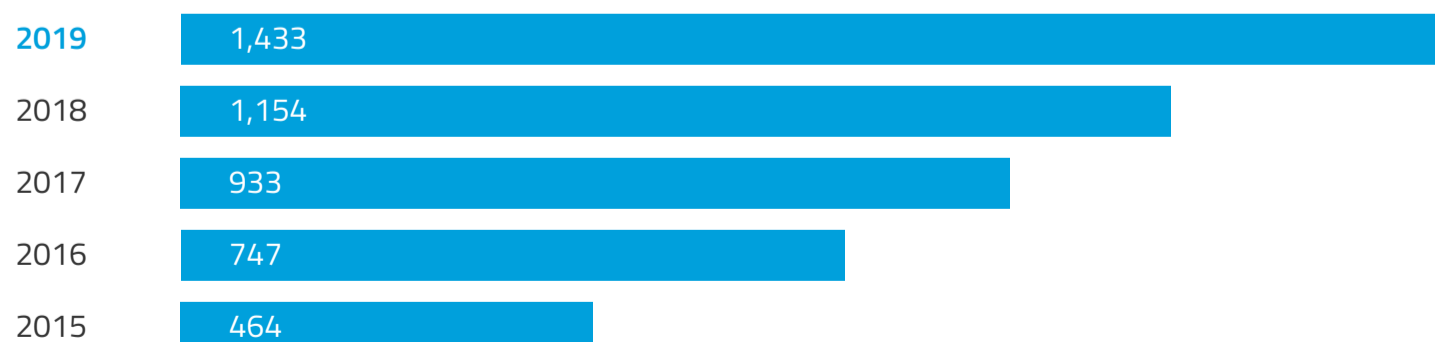


1 Sold envelopes are not always returned within the same year. Therefore in certain years the number of returned envelopes may be higher than the number of sold envelopes.

Breakdown of i-DEPOT envelopes by country 2015 - 2019 (in numbers)

	2019	2018	2017	2016	2015
Belgium	48	33	73	129	135
Netherlands	31	14	107	123	180
Luxembourg	13	65	27	45	43
Other	1	2	6	10	23
Total	93	113	213	307	381

Number of i-DEPOT storage period extensions 2014 - 2018 (in numbers)



Organisatie



Organisation

Our office is situated in The Hague. BOIP has 70 employees. We work closely with the national offices in Brussels and Luxembourg.

Number of employees

	31-12-19	31-12-18
NL	53	59
B	15	16
L	1	3
FR	1	1
Total	70	79
Male	35	41
Female	35	38
Number of FTEs (full-time equivalents)	62,47	69,87



National offices

National office Belgium

Federal Economic Service
Small and Medium-Sized Enterprises and Energy
Intellectual Property Unit
City Atrium - Vooruitgangsstraat 50
1210 Brussels
T +32 2 277 90 11
piie.trademarks@economie.fgov.be
<https://economie.fgov.be/en/themes/intellectual-property>

National office Luxembourg

Ministère de l'Économie et du Commerce extérieur
Office de la propriété intellectuelle
Boulevard Royal 19-21
L -2914 Luxembourg
T +352 247 841 13
dpi@eco.etat.lu
<https://meco.gouvernement.lu/fr.html>

Summary financial statements



Summary financial statements

Notes

This chapter contains a summary of the internal financial statements for the 2019 financial year. The auditor's report only covers the balance sheet, the income statement, statement of movements in equity and the accompanying notes in the financial chapter of this Annual Report. There are no generally accepted criteria available for compiling summary financial statements. Therefore, the Management Board itself has developed these criteria. The purpose of this chapter is to provide a comprehensible summary of BOIP's internal financial statements. The criteria and the aggregation level applied in this summary are based on this purpose.

The balance sheet as at 31 December 2019 and the 2019 income statement from the internal financial statements are fully incorporated in this summary, together with the statement of changes in equity

The internal financial statements are based on IPSAS. These summary financial statements only state the accounting policies for a number of material items. The notes required under IPSAS are set out in a simplified manner, taking account of the intended purpose of these summary financial statements.

The accompanying summary was issued at a later date than the internal financial statements. Because this document only intends to provide a summary of the original internal financial statements for the 2019 financial year, the events in the interim period have not been taken into account.

Reading this summary may not substitute reading the original internal financial statements for the 2019 financial year due to the fact that various simplifications have been introduced. Users who need more information can view a copy of the internal financial statements at BOIP's office.

Balance sheet 2019

(after appropriation of the result)

in thousands of euros	31 December 2019	31 December 2018
Assets		
Current assets		
Cash at bank and in hand	7,702	4,754
Receivables, prepayments and accrued income	3,420	3,041
	<u>11,122</u>	<u>7,795</u>
Fixed assets		
Financial fixed assets	13,546	12,533
Financial fixed assets (pension)	8,497	5,479
Tangible fixed assets	5,209	5,547
Intangible fixed assets	4,167	5,571
	<u>31,419</u>	<u>29,130</u>
Total assets	42,541	36,925
Liabilities		
Current liabilities, accruals and deferred income	7,225	7,117
Non-current liabilities		
Employee benefits	19,984	16,549
For the account and risk of employees	8,664	5,479
BPP	1,532	2,552
	<u>30,180</u>	<u>24,580</u>
Equity		
Cumulative surplus	5,136	5,228
Total liabilities	42,541	36,925

Notes to the balance sheet

- The summary financial statements have been prepared in compliance with Articles 19 and 20 of BOIP's financial regulations.
- Bonds, shares and other investments are stated at fair value. The realised and unrealised results are recognised in the income statement. This applies to investments for the account and risk of BOIP and (pension) investments for the account and risk of participants.
- The tangible and intangible fixed assets are stated at cost or on the basis of the costs incurred, less accumulated depreciation and, if applicable, less impairments.
- Current liabilities mainly comprise deferred income (payments for services not yet rendered).
- Non-current liabilities largely consist of liabilities relating to employee benefit schemes, which under IPSAS are required to be recognised under liabilities. BOIP has among other things recognised a debt provision for future pension costs and future warranty costs. The total liability amounts to €21,495,000 (2018: €15,891,000).
- The cumulative surplus comprises the accumulated earnings as well as the movements in non-current liabilities that are taken directly to equity.

Income statement 2019

in thousands of euros	Budget 2019	2019	2018
Revenue			
Turnover from filings	5,473	6,715	5,307
Turnover from renewals	3,860	4,396	4,099
Other	5,206	6,995	5,204
Total revenue	14,539	18,106	14,610
Operating costs			
Salary costs	7,284	7,197	7,754
Social security contributions	1,334	1,198	1,472
Pension costs	2,982	2,729	3,230
Other staff costs	637	721	281
Internal tax and social levies	-2,520	-2,294	-2,485
Staff costs	9,987	9,551	10,252
Depreciation costs	2,367	2,412	2,101
Other operating costs	3,359	4,172	3,115
Less: total operating costs	15,713	16,135	15,468
Operating result	1,174	1,971	-858
Financial income and expenses			
Interest income and dividend	373	289	402
Investment transaction results	10	1,052	-736
Exchange gains and losses	0	11	-4
Financial income (pension)	0	939	-334
Bank charges	-109	-98	-90
Total financial income and expenses	274	2,193	-762
Surplus (+) / Deficit (-)	-900	4,164	-1,620

Notes to the income statement

BOIP recorded a surplus of €4,164,000 (2018: deficit of €1,620,000). This surplus can mainly be attributed to an increase in revenue (amended rate structure and EUIPO offset mechanism) and good returns on investment (€2,193,000). This comes with the proviso that the surplus in a substantive sense is represented as too high (by €926,000), because this amount is due to the participants in the pension scheme. Nevertheless, IPSAS rules dictate that this is allocated as income to BOIP.

- The budgets included in the summary financial statements have not been audited.
- Income relates to the income derived from services rendered in the financial year.
- The investment income includes the investment income from BOIP pensions, which are accounted for on the BOIP balance sheet.
- The cost price of services rendered is allocated to the same period as the income. If the bottom-line result of a service cannot be determined in a reliable manner, but is expected to be positive, only the income amounting to the sum of the costs is recognised. If these costs cannot be reliably determined, income is not recognised in the interim period, but on completion of the service. However, the costs already incurred are recognised in the income statement.
- At €18,106,000, turnover was clearly higher than budgeted (€14,610,000). The main causes of this were the additional income as a result of the amended rate structure for filings and renewals (€1,700,000) and the income as a result of the EUIPO offset mechanism (€754,000, first time).
- At €9,551,000, staff costs were below budget (€9,987,000) and even substantially below last year's staff costs of €10,252,000. Salary costs and related pension and social security contribution costs have fallen due to shrinking staffing levels, which were partly the result of reorganisations.
- The depreciation costs recorded of €2,412,000 (budget: €2,367,000) were higher than budgeted, which was partly due to additional back-office investments.
- Other costs (€4,172,000) were substantially higher than the budgeted amount of €3,359,000 due to additional spending with regard to the BPP (€787,000, which will be charged on to the Member States). At €514,000, the associated reorganisation costs were close to the budgeted amount (€500,000).

Statement of changes in equity 2019

	Other	Reserve	Total
in thousands of euros	reserves	revaluation	
Equity as at 1 January 2018	8,743	-2,235	6,508
Pension			
Developments in stock	0	-3,406	-3,406
Demographic assumptions	0	839	839
Change in the notional interest rate	0	1,571	1,571
Income from investments	0	1,000	1,000
Healthcare after retirement			
Change in the notional interest rate	0	49	49
Developments in stock	0	287	287
Operating result 2018	-1,620	0	-1,620
Equity as at 31 December 2018	7,123	-1,895	5,228
Pension			
Developments in stock	0	0	0
Demographic assumptions	0	718	718
Change in the notional interest rate	0	-11,622	-11,622
Income from investments	0	8162	8,162
Pension fund			
Elimination of BOIP pension fund current account	0	-908	-908
Other	0	-67	-67
Healthcare after retirement			
Change in the notional interest rate	0	-390	-390
Developments in stock	0	-149	-149
Operating result 2019	4,164	0	4,164
Equity as at 31 December 2019	11,287	-6,151	5,136

Independent auditor's report



Independent auditor's report

An auditor's report was issued for the Dutch version of this annual report. The figures in this external annual report correspond to those published in the Dutch annual report.