

Application information

This information contains

Explanatory notes on the application form

International classification of goods and services for the registration of trademarks

Fees

from 1 January 2019

We kindly ask you to read these explanatory notes carefully before completing the forms.

For further information, please contact our Information Centre via +31 70 3491242.

Benelux Office for Intellectual Property
Bordewijklaan 15
2591 XR The Hague

P.O. Box 90404
NL-2509 LK The Hague
The Netherlands

Tel +31 70 349 11 11
Website www.boip.int
E-mail info@boip.int

Bank accounts

in the Netherlands

- bank account ABN AMRO
IBAN NL68 ABNA 0240 0367 00
BIC: ABNA NL2A

in Belgium

- bank account BNP Paribas Fortis
IBAN BE24 0014 3183 0538
BIC: GEBA BEBB

in Luxembourg

- bank account BGL BNP Paribas
IBAN LU50 0030 0556 7430 0000
BIC: BGLL LULL

Explanatory notes on the application procedure

Electronic application:

Applying electronically is 15% cheaper than an application on paper. On the website of the Benelux Office for Intellectual Property (www.boip.int) you have to create an account, after which you can, among others, register a trademark.

An application may be submitted in the official languages of BOIP, Dutch or French. In addition, it is also possible to submit an application in English. The language of your application will be determined by the language used in the classification of goods and services. Throughout the registration procedure, all communications with BOIP will be in the language of your application. For procedures where other parties are involved (oppositions) and the language of the application is Dutch or French, this will usually determine the procedure language. If the language of the application is English, it is possible that the other party does not agree and therefore that the procedure will be conducted in Dutch or French. For any legal proceedings, the competent authority's linguistic rules will be applicable.

The explanatory notes on the application form are numbered in the same way as the items on the form.

1 Your references

State your own reference or own file number here. BOIP will use this reference in all correspondence.

The contact is the person within your organisation filing the application and providing additional information if necessary.

2 Bank details

Please state your bank account number in case we need to refund.

3 Applicant

The applicant is the person or organisation applying for a trademark. An applicant may be either a person or a legal entity.

If the applicant is a person, please state surname and first name in full. If the applicant is a legal entity please state the legal form of the enterprise. The legal form can be found in the registration data of the trade register.

If you are a sole proprietor or if you are self-employed, please state surname and first name in full. You could add 'trading under the name xxx', where 'xxx' is the name of the company.

Stating an address is obligatory because it will be recorded in the trademarks register. The P.O. Box address may be stated on the form, but it is not compulsory.

4 Representative

Representatives or lawyers specialised in IP are kindly asked to state their details. They advise on trademark protection, and can deal with all formalities for the applicant. More information on the services of representatives and a list of addresses can be found on the website of the professional association for trademark agents in the Benelux, the 'BMM' (www.bmm.nl, www.bmm.be or www.bmm.lu). If you use the services of a representative or a lawyer specialising in IP, they must have a residential or business address in the EU or EEA.

5 Correspondence address

If an applicant has no representative and does not have a residential or business address in the EU or EEA, a correspondence address within this area must be provided.

6 Accelerated registration

Trademark rights are acquired by registration in the Trademarks Register. In some situations a trademark has to be registered urgently, e.g. in case of a conflict or when the applicant wishes to apply for an international registration. We therefore provide an accelerated registration procedure. Please select "Yes" when applicable.

You may ask for an accelerated registration at any time in the procedure. Please note that an accelerated registration requires the payment of a supplementary fee.

Explanatory notes on the application procedure

BOIP will immediately register the trademark when all formalities have been complied with. However, a refusal on absolute grounds or an opposition may result in the cancellation of this registration (for more information, see our website www.boip.int).

7 Individual mark or collective / certification mark

An individual trademark is a trademark used by companies to distinguish their goods (products) and services from those of their competitors.

A collective mark indicates that the goods or services protected by that mark originate from members of an association, and may only be used by them. It is possible to register a collective mark which designates the geographical origin of the goods or services it covers. Only associations of manufacturers, producers, suppliers of services or traders, as well as legal persons governed by public law, may apply for collective marks. The regulations should specify the persons authorised to use the mark and the conditions for membership of the association. They can also include the conditions of use of the mark.

A certification mark is an indication that the goods or services meet certain characteristics (such as mode of manufacture or quality), as defined in the regulations of use. It cannot be used to certify the geographical origin of goods and services. The holder of a certification mark does not use the trademark himself, but he is responsible for monitoring the use of the trademark by its users in accordance with its terms and regulations. These terms and regulations must be defined.

For both a collective mark and a certification mark, you are required to provide a copy of the regulations. BOIP does not have a standard example of such regulations.

8 Kind of trademark

Word marks

A word mark consists of a letter/ letters or a digit/ digits or a combination of letter(s) and digit(s).

Figurative marks

A figurative mark may be only figurative, so without letters and/or digits, or it can consist of a combination of a logo and letters and/or digits. A figurative mark may also consist of a word in a specific letter.

9 Type of trademark

Within the category figurative marks, you can select a type of mark. You can do this if your trademark is, for example, the three-dimensional representation of a shape (shape mark) or if your trademark consists exclusively of a single colour or a combination of colours (colour mark). For other types of marks, you may think for example of a sound mark, a position mark, a multimedia mark, a hologram mark, a motion mark or a pattern mark. Electronic filing is obviously generally easier for these types of trademarks and is the only option in the case of a multimedia mark.

This question is optional and you only need to answer it if your trademark is one of the trademark types mentioned above. These examples are rare and moreover the absolute grounds for refusal often apply (for more information, see our website www.boip.int). Please contact us if you are not sure.

10 Colour(s)

If it concerns a colour mark, you must state the colour(s) and the corresponding colour code(s) here.

11 Description of distinctive features

Please note: This is not obligatory. Furthermore, it entails a supplementary fee.

It is only applicable if you wish to describe specific characteristics of the trademark that cannot be seen on the representation of the trademark, such as a hologram or letters in relief. The text must not exceed 50 words.

Explanatory notes on the application procedure

12 Right of priority

You may claim right of priority if you have previously applied for the same trademark for some or all of the same goods (products) or services in a country outside the Benelux. However, the earlier application may not be older than six months and must be applied for in a country that has ratified the Paris Convention for the Protection of Industrial Property or is a member of the WTO (World Trade Organisation).

If you are invoking the right of priority, you must state the country, number, holder and application date of the older registration. A copy of the earlier application must be submitted.

If the applicant of the trademark in the country of origin is not the same as the entity applying for the Benelux filing, the latter must submit a document establishing his rights.

13 The trademark

Word marks

If you wish to register a word mark, fill in the trademark in the appropriate box in block letters.

Figurative marks

If you wish to register a logo, add a representation of the logo to the appropriate box. The representation must be of sufficient quality to allow electronic processing (scanning). The representation must be a (photo)graphic image of professional quality on matte paper with a rectangular or square format. The required size of the representation - not the paper itself - is between 15 mm x 15mm and 8 x 8 cm. All elements of the trademark must be clear.

14 Class numbers and the description of goods (products) and/or services

If you want to register a trademark, please specify the goods (products) and/or services that apply to your trademark. Goods (products) and services are classified according to an international standard also referred to as the Nice Classification. This classification consists of 45 classes (categories).

Please mention the class numbers for the application and describe the specific goods (products) and services within each class. You can do so in three ways:

- 1 Use the standard class numbers and standard description, as mentioned in the attachment. For example:
CI 35 Advertising; business management; business administration; office functions.
- 2 Use the standard class numbers and provide your own description of the specific goods (products) and services in question. For example:
CI 35 Advertising and advertising consultancy; advertisement design; technical consulting services for advertising campaigns; management of commercial affairs; market research and consultancy; marketing and marketing consultancy services; development, elaboration and implementation of advertising campaigns and other promotional activities and projects.
- 3 You can also use the standard class numbers and description that you used for an earlier application or registration. In that case, add the application and/or registration number of this earlier application or registration to the entry field at the bottom of item 14.

If your goods (products) and or services are classified in more than one class, you will be required to pay a supplementary fee for each additional class.

15 Fees

An overview of our fees is provided as an attachment to these explanatory notes. The fees are exempt from VAT.

Your payment must be made to BOIP within a month after the date of receipt of your application. If your payment of the basic fees is not received within this term, the application date will be postponed until we receive your payment. Prompt payment will expedite the processing of your application.

We will send you a statement of the fees due within a few days after receiving your application form. This statement will contain a payment reference. Using this payment reference will expedite the administrative processing of your payment.

Explanatory notes on the application procedure

If you have not received the statement of the fees due within two weeks, please contact us. Regardless of whether you receive the statement or not, you are obliged to pay the fees within one month in order to maintain the application date.

16 Payment

You can pay by transferring the total sum to one of the following bank accounts:

in the Netherlands

- bank account IBAN NL68 ABNA 0240 0367 00 BIC: ABNA NL2A (ABN AMRO)

in Belgium

- bank account IBAN BE24 0014 3183 0538 BIC: GEBA BEBB (BNP Paribas Fortis)

in Luxembourg

- bank account IBAN LU50 0030 0556 7430 0000 BIC: BGLL LULL (BGL BNP Paribas)

Direct debit from a bank account is not possible. You cannot pay by cheque.

If you have a current account at BOIP, you may request to debit your current account. In that case, check the box and fill in the (four-digit) number of your current account. If you do not have a current account but would like to apply for one, please contact us via our website www.boip.int.

17 Attachments

State the number and type of attachments (e.g. the additional copies of the logo).

It is important that you state the name and the reference or file number that you entered at question 1 on all the attachments. If the form does not provide sufficient space to specify the various goods (products) and services, you may also send this information in the form of an attachment. If this is the case, we recommend that you refer to this attachment under item 14.

18 Signature

State the name of the person responsible for signing the application form. If the applicant is an organisation, state the position (capacity) of the signatory. The form must be signed and dated.

You will receive a notification from BOIP within a few days after receipt of your application, mentioning the application number, a statement of the fees due and the date of receipt.

Explanatory notes on the application procedure

Benelux Office for Intellectual Property

P.O. Box 90404
NL-2509 LK The Hague
The Netherlands
Tel.: +31-70-349 11 11
Visiting address:
Bordewijklaan 15
2591 XR The Hague

Open Monday to Friday, 10 AM to 12 AM and 2 PM to 4 PM

Federale Overheidsdienst Economie, K.M.O., Middenstand & Energie

Bestuur Regulering en Organisatie van de markt
Industrial Property Service
North Gate III
Koning Albert II-laan, 16
B-1000 Brussel
Belgium
Tel.: +32-2-277 52 97

Ministère de l'Economie et du Commerce extérieur

Office de la propriété intellectuelle
19-21, boulevard Royal
L-2449 Luxemburg
Grand Duchy of Luxembourg
Tel.: +352-2478 41 87

SUGGESTION: Are you interested in the procedure after your application has been sent? Please visit our website www.boip.int.

International classification of goods and services for the purpose of the registration of marks

GOODS

- CI 1 Chemicals used in industry, science and photography, as well as in agriculture, horticulture and forestry; unprocessed artificial resins, unprocessed plastics; manures; fire extinguishing compositions; tempering and soldering preparations; chemical substances for preserving foodstuffs; tanning substances; adhesives used in industry.
- CI 2 Paints, varnishes, lacquers; preservatives against rust and against deterioration of wood; colorants; mordants; raw natural resins; metals in foil and powder form for painters, decorators, printers and artists.
- CI 3 Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices.
- CI 4 Industrial oils and greases; lubricants; dust absorbing, wetting and binding compositions; fuels (including motor spirit) and illuminants; candles and wicks for lighting.
- CI 5 Pharmaceutical and veterinary preparations; sanitary preparations for medical purposes; dietetic food and substances adapted for medical or veterinary use, food for babies; dietary supplements for humans and animals; plasters, materials for dressings; material for stopping teeth, dental wax; disinfectants; preparations for destroying vermin; fungicides, herbicides.
- CI 6 Common metals and their alloys; metal building materials; transportable buildings of metal; materials of metal for railway tracks; non-electric cables and wires of common metal; ironmongery, small items of metal hardware; pipes and tubes of metal; safes; goods of common metal not included in other classes; ores.
- CI 7 Machines and machine tools; motors and engines (except for land vehicles); machine coupling and transmission components (except for land vehicles); agricultural implements other than hand-operated; incubators for eggs; automatic vending machines.
- CI 8 Hand tools and implements (hand-operated); cutlery; side arms; razors.
- CI 9 Scientific, nautical, surveying, photographic, cinematographic, optical, weighing, measuring, signalling, checking (supervision), life-saving and teaching apparatus and instruments; apparatus and instruments for conducting, switching, transforming, accumulating, regulating or controlling electricity; apparatus for recording, transmission or reproduction of sound or images; magnetic data carriers, recording discs; compact discs, DVDs and other digital recording media; mechanisms for coin-operated apparatus; cash registers, calculating machines, data processing equipment, computers; computer software; fire-extinguishing apparatus.
- CI 10 Surgical, medical, dental and veterinary apparatus and instruments, artificial limbs, eyes and teeth; orthopedic articles; suture materials.
- CI 11 Apparatus for lighting, heating, steam generating, cooking, refrigerating, drying, ventilating, water supply and sanitary purposes.
- CI 12 Vehicles; apparatus for locomotion by land, air or water.
- CI 13 Firearms; ammunition and projectiles; explosives; fireworks.
- CI 14 Precious metals and their alloys and goods in precious metals or coated therewith, not included in other classes; jewellery, precious stones; horological and chronometric instruments.
- CI 15 Musical instruments.
- CI 16 Paper, cardboard and goods made from these materials, not included in other classes; printed matter; bookbinding material; photographs; stationery; adhesives for stationery or household purposes; artists' materials; paint brushes; typewriters and office requisites (except furniture); instructional and teaching material (except apparatus); plastic materials for packaging (not included in other classes); printers' type; printing blocks.
- CI 17 Rubber, gutta-percha, gum, asbestos, mica and goods made from these materials and not included in other classes; plastics in extruded form for use in manufacture; packing, stopping and insulating materials; flexible pipes, not of metal.
- CI 18 Leather and imitations of leather, and goods made of these materials and not included in other classes; animal skins, hides; trunks and travelling bags; umbrellas and parasols; walking sticks; whips, harness and saddlery.
- CI 19 Building materials (non-metallic); non-metallic rigid pipes for building; asphalt, pitch and bitumen; non-metallic transportable buildings; monuments, not of metal.

**International classification of
goods and services for the purpose
of the registration of marks**

- CI 20 Furniture, mirrors, picture frames; goods (not included in other classes) of wood, cork, reed, cane, wicker, horn, bone, ivory, whalebone, shell, amber, mother-of-pearl, meerschaum and substitutes for all these materials, or of plastics.
- CI 21 Household or kitchen utensils and containers; combs and sponges; brushes (except paint brushes); brush-making materials; articles for cleaning purposes; steelwool; unworked or semi-worked glass (except glass used in building); glassware, porcelain and earthenware not included in other classes.
- CI 22 Ropes, string, nets, tents, awnings, tarpaulins, sails, sacks and bags (not included in other classes); padding and stuffing materials (except of rubber or plastics); raw fibrous textile materials.
- CI 23 Yarns and threads, for textile use.
- CI 24 Textiles and textile goods, not included in other classes; bed covers; table covers.
- CI 25 Clothing, footwear, headgear.
- CI 26 Lace and embroidery, ribbons and braid; buttons, hooks and eyes, pins and needles; artificial flowers.
- CI 27 Carpets, rugs, mats and matting, linoleum and other materials for covering existing floors; wall hangings (non-textile).
- CI 28 Games and playthings; gymnastic and sporting articles not included in other classes; decorations for Christmas trees.
- CI 29 Meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats.
- CI 30 Coffee, tea, cocoa and artificial coffee; rice; tapioca and sago; flour and preparations made from cereals; bread, pastry and confectionery; ices; sugar, honey, treacle; yeast, baking-powder; salt; mustard; vinegar, sauces (condiments); spices; ice.
- CI 31 Grains and agricultural, horticultural and forestry products not included in other classes; live animals; fresh fruits and vegetables; seeds; natural plants and flowers; foodstuffs for animals; malt.
- CI 32 Beers; mineral and aerated waters and other non-alcoholic beverages; fruit beverages and fruit juices; syrups and other preparations for making beverages.
- CI 33 Alcoholic beverages (except beers).
- CI 34 Tobacco; smokers' articles; matches.

SERVICES

- CI 35 Advertising; business management; business administration; office functions.
- CI 36 Insurance; financial affairs; monetary affairs; real estate affairs.
- CI 37 Building construction; repair; installation services.
- CI 38 Telecommunications.
- CI 39 Transport; packaging and storage of goods; travel arrangement.
- CI 40 Treatment of materials.
- CI 41 Education; providing of training; entertainment; sporting and cultural activities.
- CI 42 Scientific and technological services and research and design relating thereto; industrial analysis and research services; design and development of computer hardware and software.
- CI 43 Services for providing food and drink; temporary accomodation.
- CI 44 Medical services; veterinary services; hygienic and beauty care for human beings or animals; agriculture, horticulture and forestry services.
- CI 45 Legal services; security services for the protection of property and individuals; personal and social services rendered by others to meet the needs of individuals.

Trademarks

	Digital Euro	Paper Euro
Application		
Basic fee individual mark	244	280
second class	27	31
per class from the third	81	93
Basic fee collective / certification mark	379	435
second class	42	48
per class from the third	126	144
Supplementary fee accelerated registration	196	225
second class	21	24
per class from the third	63	72
Description of distinctive features	41	47
Registration of the declaration of the right of priority		15
Renewal		
Individual mark, first class	263	302
second class	29	33
per class from the third	87	99
Collective / certification mark, first class	480	552
second class	54	62
per class from the third	162	186
Supplementary fee for payment in the grace period	135	155
Modifications		
Transfer or transition, license, right of pledge or writ of attachment		
• first trademark		56
• second to fifth trademark		28
• subsequent trademark		free of charge
Limitation to the list of goods and services		46
Change of representative, including his/her appointment after the application has been registered		
• first trademark		24
• second to fifth trademark having the same holder		12
• each following trademark having the same holders		free of charge
• second to fifth trademark having different holders		12
• each subsequent trademark having different holders		2
Modification of name and/or address of applicant, representative, trademark holder or licensee		free of charge
Correction of typing errors		
• first trademark		20
• subsequent trademark		10