

Explanatory notes on the form

**Request to modify a registration in the
Benelux Trademarks Register**

General notes:

If the space provided on the form is not sufficient, you may add the information in an attachment. Please refer to the attachment under the relevant item on this form and make sure the attachment is provided with the reference and the name of the applicant stated under item 1 of this form.

A modification can only be registered if accompanied by supporting documentation. Please include this with your request. The relevant notes will explain which documentation is needed. Documentation sent to us is public. Copies can be requested.

The form may be sent by the contact form available on our website (www.boip.int) or by post to:

Benelux Office for Intellectual Property

P.O. Box 90404
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

For further information, please visit our website www.boip.int or contact our Information Centre. Tel.: + 31 70 349 12 42 / info@boip.int.

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Explanatory notes per item

Before completing each question, please read the corresponding section of the explanatory notes.

1 Your references

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

The contact is the person within your organisation filing the request and providing additional details if necessary.

2 Bank details

Please state your bank account number.

3 Applicant

Please state the name and address of the person requesting the modification.

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 trademarks 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.

If you wish to be registered as the representative of the trademarks in question, check the appropriate box. You may send more than one request for modification at the same time.

5 Trademark(s) affected by the modification

Please state the registration number(s) of the trademark(s) in the Benelux trademarks register affected by the modification. If the trademark(s) is/are not yet registered, you may state the application number. In case of a registered trademark, please state the registration number rather than the application number.

6 Modifications

Check the relevant box to indicate the modifications you wish to record. It is possible to register the following modifications:

A Transfer or transition

For example, if you have purchased or sold a trademark, please indicate whether the transfer is total or partial.

Please state name and address of the transferee(s) of the trademark(s).

If the transfer is partial, please specify the goods/services that are to be transferred.

Please note: if the transferee is a natural person, please state surname and first name in full; if the transferee is a company or organisation, please state the legal form.

Always include the street address of the transferee. Correspondence from the Benelux Office for Intellectual Property can be sent to a post office box, however only street addresses can be registered.

A deed of the transfer of the trademark(s) signed by both the transferor and transferee has to be included with the request. You may send an extract of the original deed signed by both parties.

Please note: if a writ of attachment has been lodged on the trademark(s), you must also send a declaration showing that the creditor has granted permission.

B Change of name and/or address of the trademark holder/licensee

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Check the appropriate box(es) to indicate the type of modification (name or address) you wish to record and whose details have changed (trademark holder or licensee).

Please note: you can modify both a name and an address using the same form. If applicable, check both options.

Modifications may only be recorded for licensees who are already registered.

Please provide the relevant information.

For name changes of the trademark holder/licensee, please indicate both the new name and the legal form. Please send supporting documentation (e.g. an extract from the trade register showing the name change).

For address changes please provide the new full address. Always state the street address. Correspondence from the Benelux Office for Intellectual Property can be sent to a post office box, however only street addresses can be registered.

C Licence, pledge, an attachment

Check the relevant box(es) to indicate which right has been established on the trademark(s).

Please provide the name and address of the person who has established an attachment or has acquired a right of pledge or licensing rights to the trademark(s).

Please note: if this is a natural person, please state surname and the first name in full; if it is a company or organisation, also state the legal form.

Always include the street address in the address. Correspondence from the Benelux Office for Intellectual Property can be sent to a post office box, however only street addresses can be registered.

Supporting documentation has to be included. You may send an extract of the original deed signed by both parties.

If the request concerns a cancellation of a licence, right of pledge or attachment, the details of the holder of the rights to be cancelled (as listed in the register) must also be provided.

Please note: cancellation of a licence can only be requested jointly by the trademark holder and licensee. Abrogation of an attachment can only be requested by the attaching party. Abrogation of a pledge requires at least the request of the pledgee.

D Limitation to the list of goods and/or services

Please choose between option 1 and option 2.

The request must be signed by the trademark holder (stating name and position). A power of attorney must be provided if a representative is sending the request.

Please note: if an attachment, right of pledge or licence has been lodged on the trademark(s), please send a declaration showing that the attaching party, pledgee or licensee has granted permission.

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E Modification of the details of the representative

Check the appropriate box(es) to indicate the details (name, address or both) of the registered representative which have been changed.

Please provide the relevant information.

When recording a name change, both the new name and the legal form must be provided. Please send documentation supporting the modification (e.g. an extract from the trade register showing the name change).

For address changes, please provide the new full address.

F Modification of a correspondence address

Applicants that are not established in the EU or EEA and that do not use the services of a representative are obliged to have a correspondence address in the EU or EEA. State the (new) correspondence address.

G Cancellation of registration(s)

Check the appropriate box to indicate the type of cancellation.

The request must be signed by the trademark holder (stating name and position). A power of attorney must be provided if a representative is sending the request.

Judicial cancellations must be accompanied by a bailiff's notification and a copy of the pronouncement of the court's decision.

Please note: if the trademark(s) is (are) subject to a writ of attachment/right of pledge/licensing rights, the cancellation may only be processed if the creditor/pledgee/licensee has (have) granted permission.

H Changes to regulations governing use of a collective mark / certification mark

This item only applies to collective or certification marks. If use regulations change, the new regulations have to be listed in the register. The new regulations must be submitted.

7 Payment

The Benelux Office for Intellectual Property will send you a confirmation of receipt within one week after receiving the documents. This confirmation of receipt will specify the fees due.

Please note: the confirmation of receipt of the fees due is a service provided by the Benelux Office for Intellectual Property; no rights are to be derived from this nor may it be viewed as an invoice.

The fees due are calculated based on the information you provide. A subsequent examination may, however, reveal that this calculation was incorrect. The Benelux Office for Intellectual Property will either refund or request an additional payment.

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If you wish to pay immediately, please send a proof of payment.

Payment can be effected by a cash deposit and/or a bank transfer to 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),

Please note: direct debit from a bank account is not possible.

8 Attachments

Always state the number of attachments.

State on each attachment the reference and name of the applicant you entered under item 1. Refer to the relevant items on the form on the attachments (if applicable).

9 Signature

The request must be signed by the applicant or the representative. If the request is sent on behalf of a legal entity, please state the name and position (capacity) of the signatory.