

BENELUX TRADEMARKS OFFICE  
BENELUX DESIGNS OFFICE

the Benelux ®-evolution





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# 1 Management report



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” Exploring  
new activities „

- Lex Kaufhold -  
Chairman of the Joint Management Bodies



# Introduction

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Edmond Simon  
Director

Since 1 December 2004, I have been at the head of the Benelux Trademarks Office and the Benelux Designs Office, together with Dick Verschure and Paul Laurent. We are a close team, with specific powers that complement each other. What connects us with the employees of the Benelux Offices is a shared wish to meet the challenges presented by an uncertain future with conviction and enthusiasm.

I would like to once more express our gratitude toward my predecessor, Mr Van Boxstael, Director of our Offices from 2000 to 2004. Thanks to his efforts, and particularly to the confidence he gave his employees, the Offices have been able to follow the course that was plotted in 2002.

The theme for the 2004 annual report is the Benelux Trademarks Office as an evolving organisation. In the year 2004, we devoted a great deal of thought to client focus. This was also the year in which the first steps were taken in preparing for the introduction of the Benelux Intellectual Property Office.

Thoughts and ideas about the future were exchanged and discussed on a large scale, in the light of the new Benelux Convention on Intellectual

Property. This exercise will be completed in the course of 2005. The new Convention has only recently been signed by the Committee of Ministers, and has been submitted for approval to the legislative houses of the three Benelux countries. The new Benelux Organisation, to which the rights and duties of our two present Benelux Offices will pass, is being prepared, and our employees are very actively and constructively participating in this development.

The opposition procedure was introduced with effect from 1 January 2004. Although the number of oppositions submitted exceeded our expectations, the process went exactly as we had predicted: in almost all cases, the parties to the proceedings succeeded in settling their disputes out of court.

Internally, the reorganisation of our Offices continued, with training courses and ambitious projects aimed at structuring our activities for the coming years.

The 2004 balance sheet and annual accounts show positive results for the second consecutive time. Although this is a reassuring development, we must continue to carefully monitor the evolution of our income and

expenditure – now more than ever. This continual concern was one of the reasons for a scan of our internal procedures, performed by an external consultancy firm.

All these activities form extensions of the *raison d'être* of our Benelux Offices: to serve potential holders of intellectual property rights, by far the majority of which are small and medium-sized enterprises in the three Benelux countries. The services have to be performed smoothly, and must offer excellent value for money. This ties in with the Lisbon Strategy for stimulating innovation and increasing the competitive position of the economies of the three countries.

This introduction could also cover a wide range of other activities. However, I suggest that you explore them one by one in this annual report.

The employees of our offices contributed greatly to a successful 2004 by strictly observing the organisation's values of self-assurance, a contemporary outlook, flexibility, reliability and accessibility, which we all endorse. I wish to express my heartfelt gratitude to all our employees!

# Looking ahead

Lex Kaufhold  
Chairman of the Joint Management Bodies

The Joint Management Bodies, consisting of members appointed by the Benelux countries, are responsible for the performance of the Benelux Trademarks Office and the Benelux Designs Office. The chair rotates between the three delegations in turn. In 2004, Luxembourg took over from Belgium.

It is both my honour and my pleasure to chair the Joint Management Bodies of the Benelux Offices from 1 January 2005 to 31 December 2006, and so to take over from Serge Allegrezza, who carried out the mandate from 1 January 2004 to 31 December 2004.

Actually, around mid-2006 I will probably chair the Management Board of the Benelux Intellectual Property Office, since – assuming that the national legislative procedures make it possible – the new Convention will enter into force around that time. It will be my duty to ensure that this magnificent adventure, which began in 1970, stays on course. This will be no simple task, since we are currently faced with a European context that is completely different to that confronting the Benelux Trademarks Office and the Benelux Designs Office when they began.

The challenge that awaits us all is safeguarding the financial soundness of the Offices while at the same time offering a highly comprehensive and competitive customer service. The Benelux Trademarks Office and the Benelux Designs Office are not objectives in themselves, but must prove every day that they deserve the trust of their clients.

They must be able to be innovative and convincing, and – why not? – to take the offensive. Exploring new activities and new financing methods are without a doubt the two tasks that I hope to address during the course of my two-year mandate.

I also believe it to be of the utmost importance to set up activities aimed consciously at increasing awareness. This aim also includes – and this I believe should be the central focus – offering training courses in the three Benelux countries for professionals in the sector, at competitive rates.

These are, in brief, the ideas that I hope we can all endorse. These ideas can obviously only be realised with the goodwill of the three governments and the support and cooperation of the directors and all employees of the Offices.





# An evolving organisation

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Paul Laurent  
Director of Law Enforcement

Late in 2004, I was appointed Director of Law Enforcement at the Benelux Offices. When I put my name forward for this position, I stressed the importance of respect for all my opposite parties: applicants, stakeholders, Member States, the other Benelux institutions, and my colleagues. My reason for putting my name forward was an immense ambition: to transform the current Benelux Offices and the future Benelux Intellectual Property Office into a European frontrunner in the field of intellectual property in general.

In the field of trademarks and designs, the Benelux presents itself to the outside world as a unit. As a result, the Benelux serves as a point of reference, a model and an undisputed player in the field. This applies to both the quality of the services provided and to the legislation. The new Convention will consolidate the institutional foundation on which that success was built, and will create a framework for the future evolution in this area. However, this impressive project has yet to be given concrete shape. Examples include the possibility to expand activities to other fields of intellectual property, to improve the client focus and to lay a foundation for the legislative powers.

One of the keys to success is to continue to provide our clients with the best service possible. We no longer have a monopoly on the granting of trademarks and designs. Competition is an opportunity for us, as it is for any other business: an opportunity to rise to new challenges and to continually improve ourselves. To succeed, we will have to work on quality, promotion, proximity and simplicity.

Quality: the reorganisation of the primary production processes was an important step forward in improving the quality of the process management, and in particular the

processing times of dossiers and the accessibility of the procedure for the users. The reorganisation also stimulated personal development among our employees, which has improved the working atmosphere and ultimately the quality. I intend to confirm, improve and assess the results achieved.

Promotion: following the reorganisation of the Benelux Trademarks Office, a Service & Information Department was created, and charged with promotion and service toward clients. Promotion and client focus may help to attract new applicants. In other words, the situation has to be seen in terms of investments rather than of costs. I will do all I can to encourage this new department and to follow up its enthusiasm where necessary.

Proximity: attracting new clients from the SME sector with only a single local branch implies having a local presence. We have application offices at the Luxembourg and Belgian ministries. The results already achieved can be optimised by increasing the integration and collaboration between the ministries and the Benelux Offices.

Simplicity: another manner of achieving proximity lies in simplicity. In the 'Trademarks Protected as a Matter of Course' campaign, simplicity was already stressed. Numerous potential applicants are currently still deterred by complicated procedures. I will do my utmost to ensure that the process is simplified.

” Working on quality,  
promotion, proximity  
and simplicity „

- Paul Laurent -  
Director of Law Enforcement







# 2 Management



” What is important now  
is to form a vision „

- Piet Roodenberg, Otto van Hulst -  
Alons & Partners



Dick Verschure  
Director of General Affairs

After the reorganisations of the past few years, 2004 can best be described as a year of consolidation and reflection on the organisation's mission and strategy. In this connection, the directors commissioned a management consultancy firm to carry out a study into the Offices' efficiency. The results of that study serve as a measure for developing new policies and encouraging staff, directors and other employees to vigorously continue along the present course. This includes initiatives concerning process, project and competence management and further streamlining of the internal and external communications and work processes.

The guideline for our activities is that 'trademarks [are] protected as a matter of course'. In this connection, a number of projects were defined in 2004 to further streamline the registration process and to energetically address the disclosure of trademark data. For example, it is the Office's aim to publish trademarks online by 2006, introduce a free and extensive online search function and to allow applicants to remotely monitor the status of their pending applications.

The world of trademarks has a strong international orientation. The electronic exchange of data between all actors in this field will continue to gain in prominence in the years to come. With this development in mind, the BTO took the initiative and put a great deal of effort into developing a European, possibly even global XML standard for exchanging trademark data between national or regional trademarks offices, the WIPO, the OHIM and applicants. We hope to reap the first fruits of this initiative in 2006. The online search system currently under development will allow users direct access to individual trademark data at the WIPO and the OHIM, which currently still requires a shadow file maintained by the BTO.

New times call for new expertise among our IT staff, who will therefore undergo an intensive training course in 2005. This will lay the foundations for maintaining our leading position in the field of electronic support for applicants, agents and internal users.

The upcoming introduction of the new Convention is cause to modernise the employment conditions and legal protection of our staff. In this light, a new draft Legal Protection Protocol was developed in 2004, while a new Employees Statute will be a focus attention in 2005, detailing such matters as employee participation and equal treatment based on contemporary insights.

In the context of all new initiatives, the directors believe it to be a matter of great importance to closely monitor cost control. Although our income and expenditure were once more balanced in 2004 and expenditure figures dropped again, the prospects remain highly uncertain, calling for cautious policies. The purpose is not only to ensure that trademarks are 'protected as a matter of course', but also at the most attractive price possible.

# Efficiency Benelux Trademarks Office

Piet Roodenburg, Otto van Hulst  
Alons & Partners

'The Benelux Offices are on the move': in the 2002 annual report, this was the motto for leaving the previous years behind and focusing on the future. The term 'move' indicates that the organisation was undergoing a change at that time, aimed at improving its structure, its culture and its business processes. In 2004, the organisational and functional changes launched were largely completed, and planned changes were embedded in the permanent framework of the organisation.

In the autumn of 2004, the directors of the Benelux Offices carefully considered possible follow-up action. A quick scan was performed for this purpose, to identify further opportunities for improvement. In order to be able to guarantee full independence, the directors decided to have the scan carried out by an external party. Management consultancy firm Alons & Partners was called in; following the takeover of consultancy group Van Dam Partners in January 2004, this firm combines the specific research expertise with an understanding of the Benelux Offices' organisation. This annual report, which looks back on 2004, once more reflects on the question, 'What did this quick scan precisely involve, and what were the issues on which it focused?'

The quick scan focused firstly on the design, control and mutual coordination of primary and auxiliary work processes within the organisation. In concrete terms, this means that the scan focused on such matters as the design of the registration process, in which separate 'links' and 'transfer moments' in the process were examined critically. The analysis concerned the roles of, the contributions made by and the interaction between the various departments, as well as the degree to which the departments communicate with one another in order to improve products and processes.

A second area of attention was the role played by the auxiliary processes and assets in the performance of the primary process. The existence, clarity and communication (both top-down and bottom-up) of policies, process descriptions and work instructions were the central issues in this regard. The use and quality of auxiliary assets, such as the computer environment, accounts and records, and client and information management, were also examined.

An important factor of the process was reserved for the supervisors and employees. In their meetings with the Alons & Partners consultants, they showed themselves willing to help provide positive criticism and to share their thoughts in the scan. Their role remains equally important now that the scan has been completed, since they may also share in the responsibility for implementing and monitoring the proposals for improvement.



The report on the scan that was submitted and presented to the directors and the Management Board sets out these proposals for improvement. The proposals were placed in the context of the improvements that had already been successfully implemented during the 2000-2004 period. Examples include the restructuring of the Law Enforcement Directorate, the creation of an Oppositions Department and the introduction of one-stop shopping in the registration process in order to improve the degree of client focus in the work processes. The possibilities for improvement identified during the quick scan also include improving the available information about 'links' in the registration process (to prevent double work), introducing a more project-based approach to working and consultation forms within the organisation, and increasing the computerisation of the primary process.

With the completion of the quick scan, the Benelux Offices have arrived at a new moment of reflection. What is important now is to form a vision for 2005 and 2006, prioritising the implementation of possible areas of improvement. Considering the constructive collaboration with both supervisors and employees, the external consultants wish to express their confidence that this will be achieved successfully.



# Human Resources

Sandra Stille  
Head of the Human Resources Department



In the autumn of 2004, management consultancy firm Alons & Partners, commissioned by the Management Board, carried out an efficiency scan at the Benelux Offices and submitted a report of their findings. Their report offers a point of reference (measure) for developing new policies and continuing along the paths chosen, which should lead to a further increase in efficiency.

During the 2000-2004 period, the Benelux Offices already successfully realised considerable changes within their organisation in terms of structure, work processes and culture (restructuring of the Law Enforcement Directorate, creation of the Oppositions Department, reorganisations within the General Affairs Directorate, BMBConnect etc.).

In their report, the consultancy firm presented a number of recommendations in this connection, including continuing to research and develop process and project management. In response, a project group appointed by the directors set about turning Alons's recommendations into concrete and clear proposals, based on the Offices' vision and strategy, the objectives and priorities selected and the control philosophy.

As far as training is concerned, 26 employees followed the training course on project management. This was a recommendation resulting from the efficiency scan to structure new activities developed by the Benelux Trademarks Office more efficiently, using the tool of project-based work.

The purpose of project-based work is to realise new activities according to a result-oriented and phased plan, for which the required know-how is available internally but for whose unique character the existing working methods, structures and procedures are not suitable.

In 2004, competency management was implemented for the entire organisation as an important tool for the Human Resources Department; a taskforce identified 4 organisation-wide competencies, and developed separate job-oriented competencies for each job.

Next, the job review regulations and the accompanying forms for drawing up reviews and conducting performance interviews were adjusted. On top of this, the PDP (personal development plan) was introduced, in which employees are given the opportunity to undergo a particular development plan, based on intensive arrangements and consultation with their supervisors, and for example to qualify for a different job or to increase their competence in their present jobs.

At the information meetings for the entire workforce in November 2004, everyone was given the opportunity to learn about this new system of competency-based reviews. It was announced that the first formal competency-based reviews will not take place until November 2005. This competency management, as it is called, has strong ties with the organisation values adopted for the Benelux Offices, and should result in the best possible consistency of employee quality and with it the success of the organisation. The organisation-wide competencies are initiative, cooperation, flexibility and environment sensitivity.

On the subject of employment conditions, changes in tax regulations resulted in the introduction of a new arrangement for travelling allowances, and a transitional child-care arrangement was agreed with the Management Board. In addition, in the light of the Benelux Convention on Intellectual Property, the Management Board made a number of key decisions to update the Employees Statute (Dutch social security law applies, the term 'appointment to the Offices' has been introduced and the chapter on employee participation will be developed in more detail).

# Project-based working

Celia Heemskerk  
Department secretary, Law Enforcement

The Benelux Offices are finding themselves confronted with the task of anticipating and effectively responding to a rapidly changing environment. This requires the organisation to efficiently use its manpower and assets to achieve its targets and protect its future. One of the tools, as we can read in the recommendations put forward by management consultancy firm Alons & Partners, is project-based working. Consequently, 2004 saw the organisation make a start with training staff, including myself, by way of a course on project-based working methods.

Until now, problems were tackled by rolling up our sleeves and immediately finding a solution. The preliminary process, including such issues as 'what is actually the problem precisely', 'whom does the problem bother most', 'what is the best solution', and last but not least, 'should the problem even be resolved or is there another, much more important problem', were generally ignored.

Initially, the relatively long preparatory stage seems nothing but a waste of time. However, the investment bears fruit in a well-considered choice for the best solution and projects that can be realised within the timeframe allowed. After all, when projects are launched, the required people and means naturally have to be made available, since those projects will otherwise have less chance of succeeding. Sadly, the limited manpower and means mean that not all projects can be carried out. As such, it is unavoidable that priorities have to be made for projects.

One of the cornerstones of project-based working is communication: clear and unambiguous. This prevents wrong expectations, both toward the principal and the persons who have to work with the results. In addition, project-based working requires everyone working on a project, whether the project leader or a team member, but also the principal (generally the directors), to look at the problems and the solutions in a different way.

For me, project-based working is a step toward a more professional organisation.

# Employee Committee

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Rudolf Wiersinga  
Member of the Employee Committee

'Work protected as a matter of course' might be an apt mission statement for the Employee Committee, which in 2004 consisted of Frank ten Hulsen (chair), Camille Janssen, Mike Gales, Pieter Veeze, Willy Neys and Rudolf Wiersinga. Although it might seem as if that statement only focuses on the 2004 Working Conditions Scheme, in which the Human Resources Department involved the Employee Committee, in fact it includes much more: the joint responsibility of employees, the Employee Committee, the directors and Management Board together realising people and client-friendly organisation.

It goes without saying that a modern Employee Committee, with a view to contemporary employment relationships, tries to represent the interests of the employees to the best of its abilities, without losing sight of the general commercial interests. This succeeded well in 2004, since the directors wished to pass resolutions in joint consultation with the Employee Committee, and with a similar effort.

Naturally, this concerns primary employment conditions, such as salaries and the ex-pat arrangement for our Belgian and Luxembourg employees; however, in 2004 this also involved a redundancy pay scheme, catering, the smoking policy, the pension, healthcare, childcare and travelling allowance schemes, as well as the PC and Bicycle Scheme.

In 2004, the Employee Committee was also explicitly involved, sometimes in the form of participation in the various taskforces, in the restructuring of the Employees Statute, employee representation, legal protection and employment conditions of the workforce under the new convention, as well as with the modernisation of the job

review system, the introduction of competency management, as it is called, the 'Alons report', and last but not least the future statutory and other changes to the occupational disability and healthcare scheme.

As most people will already know, the Offices stopped sending Christmas cards several years ago, and now place a Christmas message on the website. In 2004, the directors asked the Employee Committee to select a charity to which to donate the costs saved in this manner, and the directors themselves took the initiative to collect contributions within the Offices. This allowed us to donate a tidy sum to Stichting Buddy Netwerk ([www.buddynetwerk.nl](http://www.buddynetwerk.nl)), which provides volunteer aid to people fighting serious, life-threatening or chronic ailments or sicknesses (buddy care).

” Making objectives,  
priorities and control philosophy  
concrete „

- Sandra Stille -  
Head of the Human Resources Department







# 3 Registration and Legislation



” One contact  
within the Office „

- Gerard Van Hulst -  
Chairman of the Benelux Consultation Commission



Karin Winkel  
Head of the Registration Department

After a period of thorough preparation, the reorganisation of the Law Enforcement Directorate was completed on 1 January 2004. The new organisational structure was necessary in order to be able to organise the existing work processes more efficiently, in such a fashion that the Law Enforcement Directorate could also take on responsibility for the opposition procedure (which was also introduced on 1 January 2004), with all its implications.

The new working method was officially launched together with the new organisational structure. The essence of this method is that all consecutive steps in the application procedure are concentrated with a single employee, as is the responsibility for the proper handling of the application. Gerard van Hulst, chairman of the Benelux Consultation Commission, explains below how the new working method offers possibilities for stakeholders to improve their collaboration with the Office.

The object is to minimise the duration of the entire application procedure. Thanks to the efforts of our employees, we generally succeeded in realising publication of applications in as little as one month, making the

Benelux Trademarks Office one of the fastest offices in Europe!

Similarly, we improved the quality of our services for designs in this respect, by ensuring the fastest possible registration of applications. For I-filing envelopes, we introduced the option of requesting renewal for another 5-year period immediately upon submission. The costs of registration for 5 years are 45 euros, and 65 euros for 10 years.

For stakeholders, the different approach also took some getting used to. The workshop entitled 'From application to registration' (see also Chapter 4) helped clarify the necessary steps in application procedures for many people. This workshop was very useful for both sides, and this type of collaboration will certainly be used again in the future: our organisation wishes to focus on our clients.

During the first twelve months following the reorganisation, we focused primarily on realising a fast and efficient registration procedure.

It goes almost without saying that we did not lose sight of the quality issue. Within the various sectors of the Registration Department, we devoted a great deal of attention to consultation aimed at ensuring the uniformity of our activities.

In 2004, together with the staff of the Legal Affairs Department, we re-examined the guidelines for refusal on absolute grounds. Our main objective in this respect was to integrate current case law as a guiding principle and summarise a number of practical pointers concerning the procedure.

## 36 Working method of the Benelux Trademarks Office

Gerard Van Hulst  
Chairman of the Benelux Consultation Commission

In 2004, the Benelux Consultation Commission, which represents the interests of the members of the Benelux Association of Trademark and Design Law, once again met twice for regular consultation with representatives of the Benelux Trademarks Office.

These meetings, which are normally held at the office of the Benelux Trademarks Office in The Hague, generally address a wide range of issues concerning technical and practical matters in the collaboration with the Benelux Trademarks Office. These include issues arising in connection with the Benelux Trademarks Office's power of refusal on absolute grounds of new trademark applications, fees charged by the Benelux Trademarks Office for its various activities, the questions surrounding the handling of oppositions, etc. In connection with the introduction of the opposition in the Benelux, it was decided in 2004, in joint consultation with the Benelux Trademarks Office, to set up the 'Oppositions Sounding Board Group', which will handle problems arising in practice in connection with oppositions. Besides representatives from the side of the Benelux Association of Trademark and Design Law, the Sounding Board Group will also include employees of the Benelux Trademarks Office.

At the meetings held last year, attention was of course also devoted to the fact that in connection with the reorganisation implemented at the Benelux Trademarks Office in the past period, the internal work processes at the Office were adapted. One of the results of the changed structure is that in future when new trademark applications are submitted, the Trademarks Office dossier is handled by one and the same employee at the Benelux Trademarks Office from the moment of application until its registration. Apart from making the activities more

interesting for the Benelux Trademarks Office employees, this measure has the added benefit toward the outside world that parties filing trademark applications only have to deal with a single contact at the Office.

Although it has become apparent that the employees initially needed to get used to this new approach, it is by now my experience, as well as that of others, that the new method has made it possible for us to work better with the employees of the Benelux Trademarks Office, which also promises much for the future.

Finally, I would like to note that both the Benelux Consultation Commission's meetings with the Benelux Trademarks Office during the past year were both pleasant and constructive.



## 38 **Developments within the Registration Department**

Jantine van Laar  
Sector head of the Registration Department

Within the organisation of the Registration Department, the past year, 2004, the attention was focused more than ever on improving the processing times of applications. This objective was realised in 2004. The processing time has been reduced to a month.

A factor that made an essential contribution to improving the processing times was time management. Improved time management allowed us to carry out our activities more efficiently. This proved to be necessary, as there was less routine in our activities once the reorganisation started, as a result of the expanded scope of the researchers' jobs.

Considering the expanded job content of the researchers, extra attention was devoted to developing sufficient know-how in the past year. We took the first steps in this direction by such things as weekly work meetings in which sector heads and employees participate.

These meetings first devoted time to developing the know-how needed to handle applications from start to finish. In addition, quality was of course also a topic, while the developments in the work processes and the refusal policy were regularly recurring issues. In the midst of all this, the individual skills of the staff involved were not overlooked.

Outside the structural work meetings, there were opportunities to improve the level of know-how of the workforce together with sector heads and lawyers. This was and remains dependent on such matters as the individual needs identified.

In addition, a deal of attention was demanded from the sector heads in 2004 in the various fields of expertise, in part for monitoring the technical quality of the work, but also for organising the department's activities and for the performance of the department within the broader context of the Benelux organisation.

All in all, it can be concluded that the reorganisation in 2004 largely achieved the desired level. This applies to both the technical and the organisational aspects of the work. In the coming year, 2005, these aspects will have to be detailed further, and particular attention will be devoted to quality control.



Pieter Veeze  
Staff Lawyer

The Legal Affairs Department can look back on a year that offered a number of different challenges. To start with the Offices' core task: registering trademarks and designs. Exchanging ideas about day-to-day policy, particularly in the field of refusal on absolute grounds and opposition, is and continues to be an important part of our work. On the subject of the refusal, new guidelines have been drawn up together with the Registration department (Benelux Trademarks Journal 09-2004). The opposition procedure was given practical shape in 2004, before which we worked together intensively with others.

In addition, 2004 was also the year in which our department for the first time directly represented the Benelux Trademarks Office in appeals proceedings concerning refusals at the Court of Appeal in The Hague. The cases covered a wide range of issues from the outset: from word combinations to three-dimensional shapes of packing materials. The first decision by the Court, confirming the Office's decision, was not handed down until in 2005, however. Anyone interested in the cases can find all Court decisions in appeals proceedings on the website of the Benelux Trademarks Office ([www.bmb-bbm.org](http://www.bmb-bbm.org)).

In the area of new Benelux regulations it was also a busy year. With the Benelux Convention on Intellectual Property coming up, a start was made within the IMI/PIC (a taskforce comprising representatives from the Benelux countries and the Offices) with drawing up a new implementation regulation. In brief, this combines the regulations for the current two uniform laws, put into a clear and understandable structure, and updated in several respects, and the entry into force and practical design of the register of trademarks and designs agents is foreseen.

Another matter receiving attention was a set of notes in which all old commentaries to the Benelux Trademarks Office and the Benelux Designs Office are combined, obsolete passages are removed and the phrasing is updated here and there. This allows users to have up-to-date information at all times.

In addition, although the Benelux Convention on Intellectual Property has not even entered into force yet, a first amendment protocol is under preparation. Directive (2004/48 EC) on the Enforcement of Intellectual Property Rights must be implemented. This may be done, for the first time, using the fast and efficient procedure provided in Article 1.7(1) of the Benelux Convention on Intellectual Property.

The Benelux Convention on Intellectual Property also (and even chiefly) has far-reaching consequences for other matters than material trademark and design law, as you can read throughout this annual report. Naturally, the Legal Affairs Department is closely involved here as well.

Finally, in the past year, in anticipation of the increased importance that is foreseen for the future Organisation as a result of the Convention in the creation of new regulations, the Benelux Offices were already more closely involved in European and international regulations. In this connection, our department, and experts from other departments, together with representatives from the Benelux countries, participated in a number of European and international consultation organs.

All in all, we can not only look back on a fascinating year, we can also look ahead with enthusiasm. As a result of the professional duties, the Benelux Offices have evolved from a purely administrative body to a true knowledge centre, and the new Benelux Intellectual Property Office will definitely offer ongoing challenges for the future!

# Opposition procedure

Stephanie Missotten  
Oppositions Department lawyer



In terms of Benelux trademark law, 2004 will perhaps be remembered best as the year in which the opposition procedure was introduced.

The introduction of the opposition procedure on 1 January 2004 was accompanied by the creation of a new department: the Oppositions Department, consisting of 4 members (one staff member, two lawyers and one department head).

For the introduction of the opposition procedure in the Benelux, the Management Board opted for a gradual opening per group of classes: on 1 January 2004, the first series of classes (2, 20 and 27) for opposition were opened up against applications made after that date and that include at least one of the opened classes.

During the first few months of 2004, business was relatively quiet at the Oppositions Department. Oppositions could not be filed until after the publication of the application or the priority registration. The first applications and priority registrations against which oppositions could be filed were published in the Trademarks Journal of March. A total of 787 opposable applications were counted in 2004 (filed in classes 2, 20 and/or 27 and published in the period from March to October 2004).

However, the peace during that early period was only relative, because despite the lack of actual oppositions in the first months there was more than enough work in preparing the department for the oppositions. Numerous letters were prepared for the various phases of the procedure. A start was made in designing a computerised system for processing the oppositions. In addition, the department closely examined numerous major and minor issues

concerning the administrative follow-up and legal handling of the oppositions. This often resulted in lively and interesting discussions, which serve as the basis for the opposition policy of the Benelux Trademarks Office. However, the policy regarding oppositions will only truly be given shape as the practical experience grows.

As the introduction of a new procedure gives rise to a wide range of questions, the Oppositions Department put a great deal of effort into providing information. This was done in a variety of ways, such as organising workshops and presentations, compiling an FAQ list, etcetera.

In addition, the Oppositions Sounding Board Group was formed at the request of the Benelux Association of Trademark and Design Law in 2004. This group is made up of representatives from the Benelux Association of Trademark and Design Law and employees of the Benelux Trademarks Office, and serves as a place to discuss any practical problems arising. At the first meeting in December it became apparent that it was useful for the parties to meet and exchange information.

The Oppositions Department did not take any opposition decisions yet in 2004, because no oppositions had yet reached that point, taking the success of the cooling-off period into account. However, this does not alter the fact that the department studied opposition decisions in 2004. Existing case law was examined, and the lawyers focused on drawing up 'test decisions'.

In terms of figures, 27 oppositions were filed in 2004 (equalling 3.43% of the opposable applications and 0.2 % of the total number of applications in 2004). Of these, 6 oppositions were not allowed. As such, 21 oppositions

were taken into consideration. Of these oppositions, 6 have been concluded, while 1 was excluded from further processing. Further details about the oppositions filed are included in the tables at the back of this annual report.

” Basis  
for the opposition policy „

- Stephanie Missotten -  
Lawyer, Oppositions Department





# **4 Cooperation and exchange of know-how**





” That the Benelux Trademarks Office  
will get a clearer picture  
of our expectations  
and needs as users „

- Anne-Laure Covin -  
Trade Mark Council, SA Solvay



Christel Heremans  
Head of the Service & Information Department

For the Service & Information Department, 2004 was a year of discovery and development: the first year of a new department!

The department's new character and the crystallisation of the tasks called for a modest approach in preparing the information and communication plan. Improving the obviousness of trademark protection among businesses was the central factor of the plan. In order to reach these businesses, the Office opted for a focused approach of the trademark agents, governments and stakeholder organisations. Through intensive discussions with the Benelux trademark and design agents, the 'Innovation & Industrial Property Rights' platform, our colleagues at the national offices and various stakeholder organisations, the Service & Information Department managed to achieve a high potential in its starting year, despite the limited number of staff.

The following are some examples of the activities we realised during the past year:

One of the objectives was to improve the collaboration with the trademark agents, by involving them in the Office's activities and by increasing

the transparency of our procedures and methods. For the latter purpose, the Service & Information Department organised four workshops (registration, opposition, classification and international registrations) for trademark agents and staff of agencies. Two of these workshops were part of the Benelux trademark agent training course. The workshops received positive acclaim, even to the extent that we decided to schedule additional sessions for the huge number of participants.

As part of the move toward transparency, we developed an electronic newsletter, in which we will announce new information concerning procedures, case law and other developments. After a thorough period of preparation during the past twelve months, in which layout, technology and texts were assessed, the first edition saw the light of day in February 2005.

On the subject of cooperation, the Office approached government institutions and stakeholder organisations that are in more immediate contact with businesses. For example, we organised an introductory presentation for the innovation staff of the Provincial Development Companies

('GOMs') in Flemish-speaking Belgium and the front-office staff of the Rijnland Chamber of Commerce. These presentations were very well received, and will be followed up in the future.

Naturally, the Service & Information staff were also there to help the businesses directly: not only by telephone, but also at information presentations and trade fairs. In the Netherlands, they represented the Office at the Haaglanden Start-Up Businesses Day, the Week of the Entrepreneur (Utrecht) and Holland Innovation (Rotterdam), among other events. In Belgium, they carried on the tradition of participating in Initiatives (Liège) and Eureka (Brussels). Hainova (Charleroi) proved to be an interesting and productive new addition.

Another realisation that should not be overlooked was the fact that during this first year of the Service & Information Department, department members Christian Meyers, Marleen Kuiper and Ingrid van der Heyden evolved into an inspired and close-knit team with an innovative attitude toward the future.

# Client focus within the Benelux Trademarks Office

Anne-Laure Covin

Trade Mark Counsel, Solvay SA, Intellectual Assets Management

In connection with the implementation of the Protocol of 11 December 2001, an evolution has been discernable for the past three years in the practice of the Benelux Trademarks Office in terms of client management toward users. The Office's aim to improve the cooperation has translated into a dynamic approach to and a closer relationship with its applicants and agents, particularly as a result of the personal follow-up to each dossier, from application to registration. To improve the cooperation further, the Benelux Trademarks Office organises a number of training workshops. As a regular user of the Benelux system, Solvay gladly participated in these interactive gatherings.

In what way do these workshops concretely help?

The Benelux Trademarks Office presented us with a number of cases, which we examined and discussed in small groups; next, the case discussed by the group was put to all participants. The advantage of this approach is that not only ideas are formed and exchanged between the various 'speakers' (businesses, agents, preliminary researchers), but also that specific and pertinent questions and problems concerning some dossiers are put forward.

As a very specific example, the opposition workshop increased our understanding of the procedure, while at the same time it gave us the impression that this procedure has not yet been completely finalised. The key issue of that workshop was perhaps the flexibility that the Office wishes to highlight in an early phase and the fact that there is direct contact with the relevant employees of the Office. In the workshop about the Classification of Nice, the vague phrases were identified and proposals for improving on the phrasing were presented. In addition, a list of practical tips and issues made it possible to eliminate a series of frequent problems and irregularities for the Benelux Trademarks Office and the WIPO.

What are the suggestions for the future?

The Benelux Trademarks Office uses the Internet to provide us with a range of educational classes (reports, announcements, case law, etc.). We would also like to see the Benelux Trademarks Office use this medium to provide a standard recommendation, taking into account the practices of the preliminary researchers (for example, a list of vague concepts in the Classification of Nice, elements for assessing similarity, lessons drawn from opposition decisions). Several months ago, the Office also started issuing monthly newsletters dealing with specific subjects. Since these publications are absolutely necessary in order to remain abreast with the most recent updates and practices at the Office, a regular publication would naturally be very much appreciated. In connection with the current collaboration between the Benelux Trademarks Office and its users, we wish to plead for fast, simple telephone communications for resolving minor problems.

What is the verdict?

On the whole, the verdict of these meetings is favourable: the Benelux Trademarks Office was able to provide tailored, personalised and practical answers to our questions. In addition, we received the impression that these workshops will provide the Benelux Trademarks Office with a clearer understanding of our expectations and needs as users.





# Workshops 'From application to registration'

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Ellen Van Holst  
Registration Department member

A new organisation, a new approach!

After a series of internal courses, the time has come to inform the agents and other stakeholders of the changes. The ideas for a workshop slowly come to light when the Service & Information Department starts the ball rolling. There is a rush to register for the workshop, and we are looking forward to it.

On 27 April 2004, the first of a series of three workshops dealing with the registration procedure is presented by my colleague Raphaëlle Gérard and myself. After introducing ourselves and briefly explaining the purpose of the workshop, we enthusiastically launch into it. Using a PowerPoint presentation, we examine the principal developments, including the changes in the application procedure, the publication of the application and the fact that there are now rights attached to the date of registration. The presentation is quite a lot of work, but is definitely enjoyable. We are able to answer the questions of the persons attending the workshop immediately, without any hesitation; any questions that we cannot answer directly we can of course always refer to one of our colleagues.

After the theoretical part, the participants start working on several cases we have prepared. We form groups of 6 persons, who then examine and discuss the cases together. Each group appoints a speaker, and we discuss the cases with the entire group. Each of the changes we have previously discussed can be found in the cases, which also serves as a good reference to see whether the presentation achieved the desired effect. And in all honesty, the participants have absorbed our presentation well. The cases are discussed successfully.

Our presentation is followed in the afternoon by the second part of the workshop, presented by Camille Janssen (Legal Affairs Department lawyer): Refusals and case law. He too gives the participants several cases to discuss. The second workshop, in French, was held on 28 April and was presented by Raphaëlle Gérard. The final workshop, on 29 April, was presented by both of us.

It was an enjoyable and educational experience. The participants were very satisfied. With this workshop, we presented our Office to the stakeholders in an enjoyable, educational and open manner, and we are certain that the new approach will benefit the client focus and client friendliness!

# Holland Innovation

Marleen Kuiper  
Staff member, Service & Information Department

The Holland Innovation event is a combination of the ID-NL Annual Award, the StarTech Trade Fair and the Knowledge Festival. This annual event is aimed at businesses, researchers and investors in the technical and innovative sector. Besides workshops, one-on-one discussions, debates and lectures, the event also includes an information fair.

In 2004, we had our own stand at this information fair for the first time. Although we were also present last year, we were at the stand of the 'Innovation & Industrial Property Rights' Platform. This platform, in which Christel Heremans represents the Benelux Trademarks Office, was formed in 1998, and combines the strengths of organisations in the field of innovations and industrial property rights in respect of the SME sector. One of the platform's objectives is to develop joint activities.

Holland Innovation is an example of this. Holland Innovation was held on 17 November in the Van Nelle Design Factory in Rotterdam: a fantastic location, and the tea dome in particular is a must-see!

We shared stand space with two other organisations, shaped like a triptych. As a result, the space within the stand was somewhat restricted, but considering the size of the rest of the coffee factory, this was not a problem.

At this fair too we worked together with the Benelux Association of Trademark and Design Law. Together with Frank Verguld (Benelux Association), my colleague Gerda Veltman and I provided the 'innovatives' with information about trademarks, designs, copyright law and the I-filing envelope. What struck us was that many of the visitors knew what the Benelux Trademarks Office is, or had even

filed an application with us. In other words, our information activities are actually bearing fruit!

We at the Office are collaborating more and more intensively with various organisations that focus on innovative businesses. This collaboration is constructive, and ensures that those innovative businesses have faster access to the information they need.



Christian Meyers  
Staff member, Service & Information Department

The experience that I would like to share with you is interesting in two respects: it is unusual, and it emphasises the desire of the Benelux Offices to focus more on innovation by meeting the dynamic actors in these sectors.

My story concerns the day of the 'Propriété Intellectuelle', which was organised in October 2004 as part of 'Hainova' by the CeRDT, the Belgian Centre for Technological Research and Development. This non-profit organisation was founded in order to stimulate the technologies in the Belgian province of Henegouwen. The partners in the fair are the three universities of Mons and nine research centres.

What makes the concept remarkable is its simplicity and effectiveness: agreements are made between industry representatives and the representatives from the intellectual property world, and a cycle of meetings is drawn up. In this manner, each participant receives a schedule of appointments in advance, allowing me to prepare for the meetings. The subjects are discussed quickly, the questions are direct and the rhythm is constant. It is a true exercise in balance, to go from one meeting to the next. One person will be talking with you about software, the next discusses excavators, and a third wants to protect the name of his chemical products. My counterparts at these meetings need information about intellectual property rights, while I myself learn a great deal during the fifteen to twenty conversations! In other words, the 15 minutes that each meeting lasts is not much time to provide my counterparts with the most detailed answer possible.

During lunch and after the various meetings have been concluded, the atmosphere is quite relaxed, and since the dynamism of the day carries on until after the last meeting, there are quite a lot of conversations between various people. Intellectual property is not only a suitable topic of conversation: IP is regarded as a development tool that should be taken into account.

The participation by the Benelux Offices in this type of seminar, as well as in other activities, allows a concrete approach of the problem areas facing businesses in this field. This makes it possible for us to be on the side of the businesses, within the framework of our statute, rather than on the opposite side.

” Presenting our Office  
in an enjoyable  
and educational manner “

- Ellen Van Holst -  
Researcher, Registration Department





# 5 Figures and statistics

# Balance sheet as at 31 December 2004

## ASSETS

in thousands of euros

	<b>2003</b> euros	<b>2004</b> euros
Tangible fixed assets		
Industrial buildings and land	8.446	8.201
Automation	1.489	995
Miscellaneous machinery and equipment	286	266
	<u>10.221</u>	<u>9.462</u>
Financial fixed assets	4.017	3.573
<b>Total fixed assets</b>	<b><u>14.238</u></b>	<b><u>13.035</u></b>
Accounts receivable	1.941	1.738
Liquid assets		
Cash in hand	520	718
Deposits	522	1.142
	<u>1.042</u>	<u>1.860</u>
<b>Total current assets</b>	<b><u>2.983</u></b>	<b><u>3.598</u></b>
	<b><u><u>17.221</u></u></b>	<b><u><u>16.633</u></u></b>

**in thousands of euros****LIABILITIES**

	<b>2003</b> euros	<b>2004</b> euros
General reserve	8.980	8.980
BTO reserve fund	-1.317	-1.078
BDO reserve fund	234	217
<b>Total reserves</b>	<b>7.897</b>	<b>8.119</b>
Lease liabilities	653	326
Provision for early retirement	603	466
Provision for large-scale maintenance	272	151
<b>Total provisions</b>	<b>875</b>	<b>617</b>
Deferred income	6.040	5.722
Other short-term debts	1.756	1.849
Short-term debts	7.796	7.571
<b>Total debt capital</b>	<b>9.324</b>	<b>8.514</b>
	<b><u>17.221</u></b>	<b><u>16.633</u></b>

# Statement of income and expenditure

## Benelux Trademarks Office

in thousands of euros	2003 euros	2004 euros
Revenue	11.977	12.463
Operating expences		
Staff costs	8.806	9.398
Depreciation	934	913
Miscellaneous operating expenses	2.136	1.976
	<u>13.287</u>	<u>12.287</u>
<b>Operating result</b>	<b>101</b>	<b>176</b>
Financial income and expenditure		
Interest income	53	36
Exchange gains and losses		
Investment portfolio	62	27
	<u>-9</u>	<u>63</u>
<b>Profit for the year</b>	<b><u>92</u></b>	<b><u>239</u></b>



## Benelux Designs Office

in thousands of euros	2003 euros	2004 euros
Revenue	567	460
Operating expenses		
Staff costs	431	406
Miscellaneous operating expense	117	86
	<u>548</u>	<u>492</u>
<b>Operating result</b>	<b>19</b>	<b>-32</b>
Financial income and expensiture		
interest income	5	15
<b>Loss (profit) for the year</b>	<b><u>24</u></b>	<b><u>-17</u></b>

# Financial report

## Benelux Trademarks Office

In 2004, the offices recorded a modest profit of 222,000 euros (2003: 117,000 euros). However, the increase in rates by 9% was opposed by a drop in the number of allowable applications by 4.3%, which is a worrying development.

On the positive side, the profit stems purely from the operating result, with barely any effect from movements in work on progress or other non-recurring items. However, this does not mean that this trend that the Office can cover its costs can simply be projected toward the future, since the allowances for OHIM studies will be cut back over a three-year period (turnover in 2004: 1,287,000 euros).

The priority registrations have proved a success, and we hope that this service will serve to compensate virtually the whole loss of turnover from the priority searches resulting from the abolishment of the required searches. Turnover rose by 486,000 euros to 12,463,000 euros, with approximately half of the increase stemming from the fact that turnover in 2003 was lower than usual as a result of non-recurring factors. Turnover will in any case increase further in the coming years as a result of the oppositions. In addition, we hope that the economy recovers further, which should translate into an increase in the number of new applications.

The rapid drop of staff costs ended in 2004. However, this was not the result of pay rises or an increase in the workforce, but of the normalisation of the pension charges in 2004. In 2003, the pension charges were approximately 500,000 euros lower, as a result of one-off effects, which explains the increase in the staff costs.

Depreciation dropped slightly to 913,000 euros (2003: 934,000 euros), as a result of a reserved investment policy in 2004.

The miscellaneous expenses dropped, proving the truth of last year's expectation of decreasing costs. The decrease was offset to a degree by the fact that fewer shared costs could be charged on, as a result of the lower level of activities and the lower workforce at the BDO.

## Benelux Designs Office

As predicted last year, the BDO incurred a loss of 17,000 euros in 2004 (2003: 24,000 euros profit). The fact that several arrears were made good masked what was actually a very poor state of business. The operating loss has exceeded the 100,000 euro mark.

The prospects are indisputably unfavourable. Competition from the Community designs system is fierce, and the number of new applications continues to drop. In 2 years' time, when the Community designs system will have existed for 5 years, the innovation turnover, which has remained stable so far, will also drop. Turnover from the system of international registrations (WIPO) dropped from 111,000 euros in 2003 to 82,000 euros in 2004.

Very few possibilities remain for cutting costs, except by further reducing the BDO's share in the shared costs. The only positive fact is that the direct costs are still covered and will probably continue to be covered for the coming two years.

# Auditors report <sup>65</sup>

The financial data for 2004 as recorded here was derived from the 2004 annual accounts for the Benelux Trademarks Office and the Benelux Designs Office in The Hague, which we audited. The financial data was prepared under the responsibility of the management of the Offices.

For a better understanding of the financial position and results of the Offices as well as the scope of our audit, the financial data should be read in conjunction with the audited annual accounts, as well as the unqualified auditor's report we have provided for those accounts.

*The Hague, May 2005  
Ernst & Young Accountants*

## 66 Workforce

On 31 December 2004, the Offices employed a hundred persons. The average age was 41. Four employees celebrated anniversaries in 2004: one for 25 years and three for 12.5 years.

men	women
43	57

During the reporting year, three new employees joined the workforce, of whom one on a temporary basis for the duration of certain specific activities. Twelve employees left the organisation.

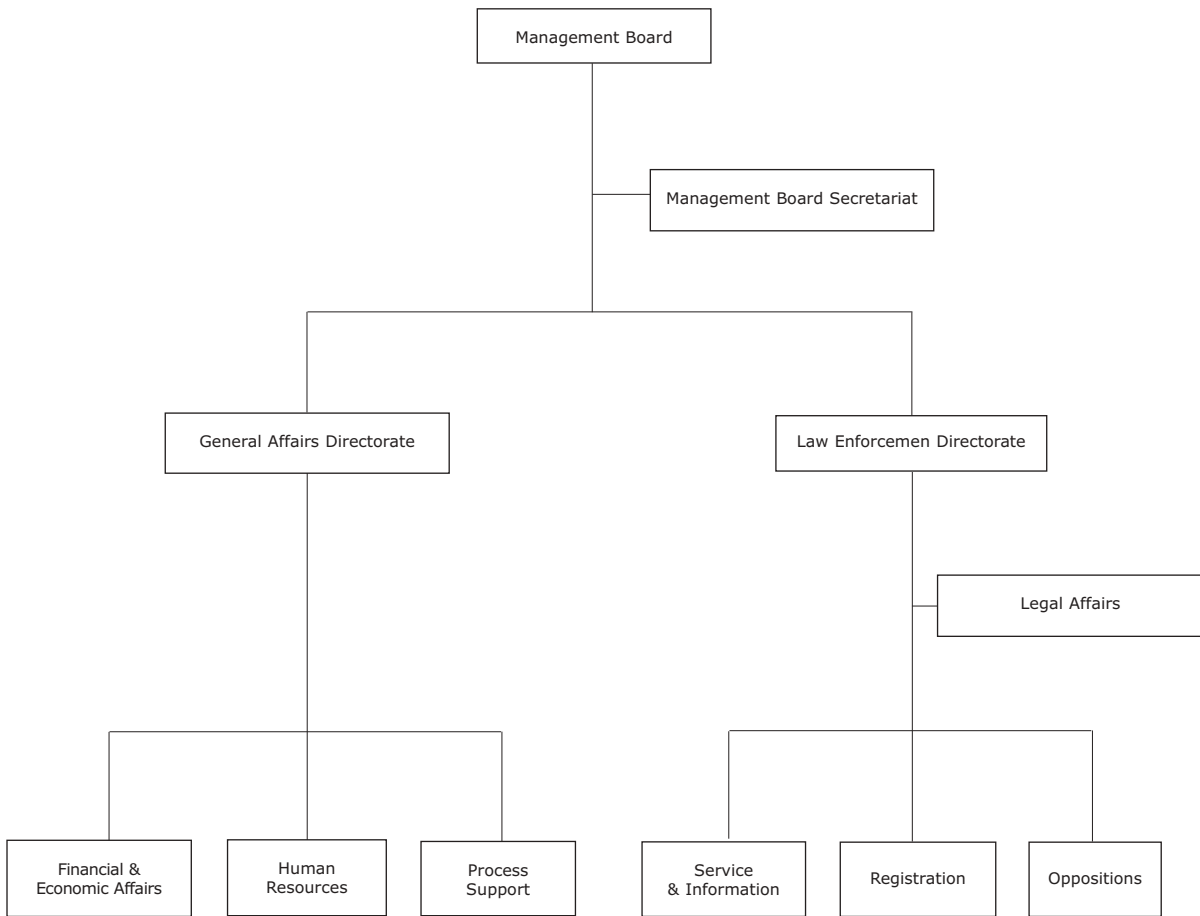
full time	part time
64	36

number of employees	NI	Be	Lux	total
As at 31 December 2003	81	25	3	109
As at 31 December 2004	76	21	3	100

Years of service	number of employees
0 tot 5	18
5 tot 10	21
10 tot 15	16
15 tot 20	29
20 tot 25	11
25 tot 30	4
30 tot 35	1

age categories	number of employees
20 - 25	1
25 - 30	2
30 - 35	12
35 - 40	24
40 - 45	24
45 - 50	25
50 - 55	8
55 - 60	2
60 - 65	2

# Organisational diagram <sup>67</sup>



# 68 Trademarks

## Searches

### Benelux searches

Year	Priority	Standard	Total
2004	3696	18899	22595
2003	5829	21509	27338
2002	5965	17945	23901
2001	7182	22532	29714
2000	8127	14645	22772

### International searches

Year	Total
2004	703
2003	25047
2002	4234
2001	4355
2000	4194

### European searches

Year	Total
2004	60151
2003	41060
2002	40237
2001	49347
2000	46715

## Benelux applications

### Total applications

Year	Total
2004	22600
2003	23301
2002	22819
2001	23409
2000	28655

### Collective trademarks

Year	Total
2004	75
2003	98
2002	99
2001	89
2000	86

### Elektronic submissions

Year	Total
2004	13893
2003	10370
2002	3671
2001	401
2000	560

### Benelux applications broken down by country of origin

Country	2004	%	2003	2002	2001	2000
Netherlands	15612	69,14%	16339	15513	15755	19222
Belgium	4774	21,14%	4953	5052	5060	5956
Luxembourg	445	1,97%	452	401	527	587
United States	680	3,01%	480	644	717	1069
Japan	75	0,33%	93	93	118	133
Other EU	575	2,55%	561	627	726	1002
Other	419	1,86%	403	435	508	668

**Benelux applications broken down by class**

Class	Number	Percentage	Class	Number	Percentage
01	737	1,19%	24	751	1,21%
02	329	0,53%	25	2608	4,20%
03	1593	2,57%	26	122	0,20%
04	209	0,34%	27	216	0,35%
05	1601	2,58%	28	1066	1,72%
06	686	1,11%	29	1510	2,43%
07	576	0,93%	30	1777	2,86%
08	293	0,47%	31	1101	1,77%
09	4514	7,28%	32	878	1,42%
10	479	0,77%	33	549	0,88%
11	902	1,45%	34	246	0,40%
12	637	1,03%	35	7864	12,67%
13	19	0,03%	36	2451	3,95%
14	749	1,21%	37	1826	2,49%
15	50	0,08%	38	1645	2,65%
16	4196	6,76%	39	1309	2,11%
17	410	0,66%	40	494	0,80%
18	1039	1,67%	41	5801	9,35%
19	777	1,25%	42	4422	7,13%
20	1033	1,66%	43	1328	2,14%
21	706	1,14%	44	1431	2,31%
22	206	0,33%	45	866	1,40%
23	45	0,07%			

**Breakdown of Benelux applications by national office**

Year	Belgium	Luxembourg	Netherlands	Total
2004	607	37	21956	22600
2003	804	47	22450	23301
2002	1060	102	21637	22799
2001	1146	161	22080	23387
2000	1565	122	26957	28644



**Number of trademarks published**

Year	Individual	Collective	Total
2004	19009	88	19097
2003	23714	95	23809
2002	19697	66	19763
2001	23897	91	23988
2000	17590	63	17653

**Requests for renewal**

Year	Individual	Collective	Total
2004	12716	42	12758
2003	12079	48	12127
2002	12142	34	12176
2001	12141	45	12186
2000	12700	35	12735

**International registrations****International registrations applied for via the BTO**

Year	Protocol	Arrangement	Arr.+ Prot.	Total
2004	221	759	1388	2581
2003	115	832	1303	2250
2002	116	877	1439	2432
2001	121	988	1802	2911
2000	115	1111	1971	3197

**International registrations valid in the Benelux**

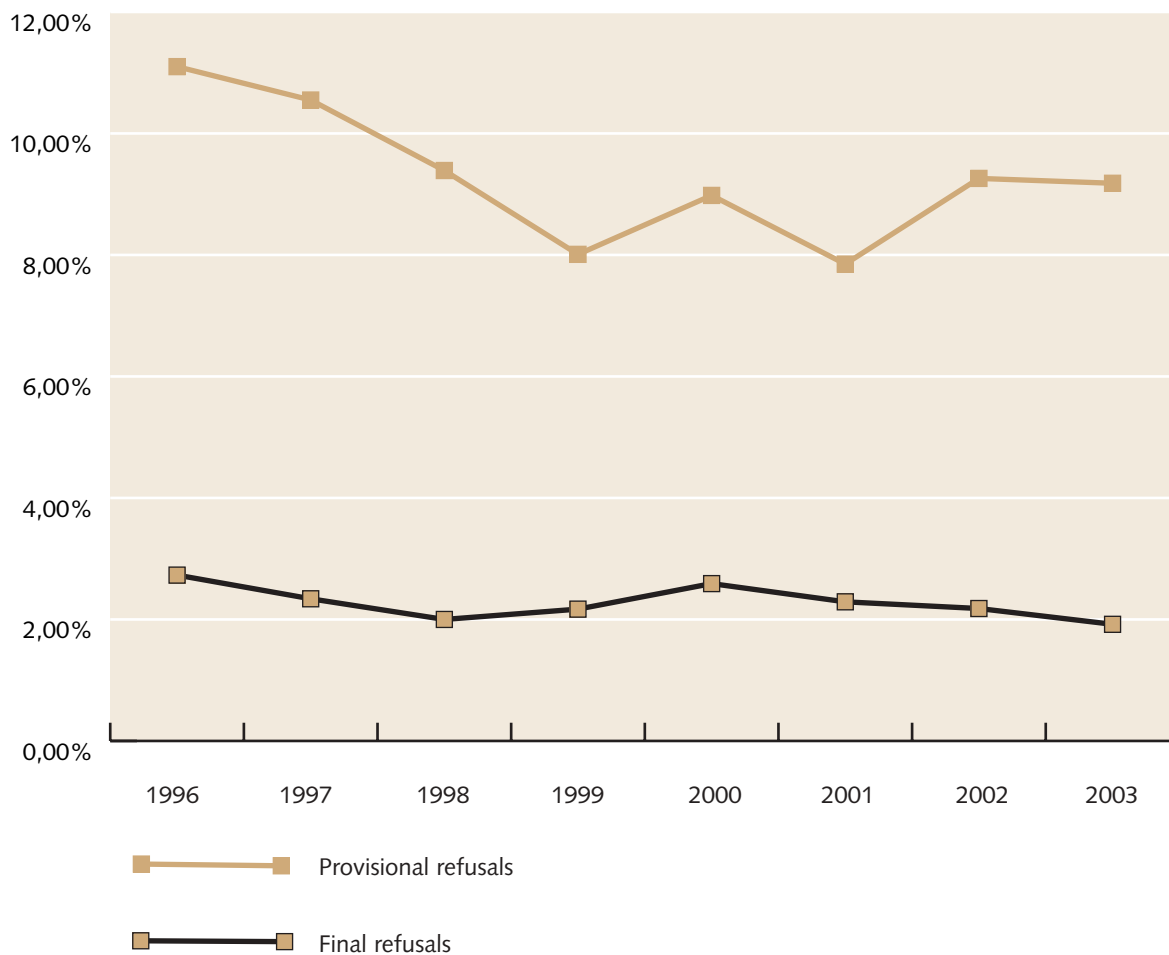
Year	Number
2004	7712
2003	8457
2002	8815
2001	10250
2000	12014

## Refusal on absolute grounds

### Development of refusals since 1996

This year, as a result of ongoing computerisation of the internal work processes, it is possible for the first time to generate the statistics for the refusals directly from the registrations database. This new measuring method yielded different results from the method used previously. As such, it has been decided to recalculate the correct figures for the past years, using the new system.

### Percentage of the total number of applications



## Refusal on absolute grounds

### Statistics 2003 <sup>1</sup>

Benelux applications	Number	Percentage
	23310	100,00%

Provisional refusals	Number	Percentage
	2140	9,18%
Full	2079	97,15%
Partial	61	2,85%
Applications filed by agents	1079	50,42%
Applications filed by trademark proprietors	1061	49,58%
Applications resulting in registration despite provisional refusal <sup>2</sup>	159	
Applications withdrawn at the applicants or agents request	573	
Applications excluded from further processing	957	

Final refusals	Number	Percentage
	447	1,92%
Full	438	97,99%
Partial	9	2,01%
Applications filed by agents	295	66,00%
Applications filed by trademarks proprietors	152	34,00%
After provisional refusal to which an objection was lodged	215	
After provisional refusal to which no objection was lodged	232	
Appeals against final refusal (art. 6, of the Benelux Trademarks Act) <sup>3</sup>	4	
Provisionally refused applications for which it is still possible to file an objection within the specified period (art.4, 2, of the Implementing Regulations for the Benelux Trademark Act)	13	

(1) The statistics for 2004 are not yet available in view of the deadlines specified for this procedure.

(2) This item mainly comprises registrations resulting from regularised partial provisional refusals and from the reconsideration of decisions by the BTO, for example after the submission of proof of establishment, showing that a trademark has acquired distinctive force.

(3) Unlike all the other figures in this table, which have been calculated on the basis of the filing date, the number of appeals has been calculated on the basis of the date of submission of the appeal.

## Oppositions

(based on the applications published before the end of October 2004)

Number of oppositions	Number	Percentage
Total	27	
Allowable	21	78%
Disallowed	6	22%
Opposable applications		3,43%
Total number of applications		0,20%

Filed by	Number	Percentage
Agent	23	85%
Private party	4	15%

Completed	Number	Percentage
Total	7	33%
Before commencement	7	100%
After commencement	0	0%
Application withdrawn	3	43%
Opposition withdrawn	3	43%
Excluded from processing	1	14%

Still under consideration	Number	Percentage
Total	7	33%

Language of preference	Number	Percentage
Dutch	16	76%
French	5	24%
English	5	24%

Language of the proceedings	Number	Percentage
Dutch	13	93%
French	1	7%

Filed against	Number	Percentage
Benelux law	20	95%
International law	1	5%

**Classes on which the oppositions are based  
(Top 5 of allowable oppositions)**

Number (rights invoked)	Class
17	2
12	20
11	1
9	17
9	19

**Classes against which the oppositions are filed  
(Top-5 of allowable oppositions)**

Number (oppositiions)	Class
11	20
8	2
5	21
4	17
4	35

# Designs

## Benelux applications

### Total

Year	Number
2004	1531
2003	1979
2002	3151
2001	2908
2000	3344

### Breakdown of Benelux applications by national office

Year	Belgium	Luxembourg	Netherlands
2004	208	11	1312
2003	351	9	1619
2002	309	2	2840
2001	187		2721
2000	189	7	3148

### Number of designs published

Year	Number
2004	2106
2003	2074
2002	2762
2001	2434
2000	3204

**Requests for renewal**

Year	Number
2004	1757
2003	1701
2002	1614
2001	1492
2000	1270

**I-filing envelopes****Total**

Year	Sold	Returned
2004	627	470
2003	742	456
2002	617	481
2001	707	471
2000	734	561

**By country**

Country	2004	2003	2002	2001	2000
Belgium	302	280	302	307	299
Netherlands	157	157	164	152	241
Luxembourg	9	12	12	7	14
Other	2	7	3	5	7
Total	470	456	481	471	561





## 6 Contact details

# Joint Management Bodies

## Current composition

### Chairman

#### Mr L. Kaufhold

*Government attaché 1<sup>st</sup> degree*

Intellectual Property Directorate

Ministère de l'Economie et du Commerce Extérieur (L)

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*Government attaché*

Intellectual Property Directorate

Ministère de l'Economie et du Commerce Extérieur (L)

#### Mr R. Geurts

*Managing Director*

Federal Economics Service

K.M.O., Small Businesses & Energy

Market Regularisation and Organisation Board

Intellectual Property Unit (B)

#### Mr H.F.G. Geijzers

*Director*

Netherlands Patents Office (NL)

#### Mr J. Debrulle

*Adviser*

Federal Economics Service

K.M.O., Small Businesses & Energy

Market Regularisation and Organisation Board

Intellectual Property Unit (B)

### Deputy directors

#### Ms M. Petit

*Deputy adviser*

Federal Economics Service

K.M.O., Small Businesses & Energy

Market Regularisation and Organisation Board

Intellectual Property Unit (B)

#### Mr G. Aelbrecht

*Lawyer*

Federal Economics Service

K.M.O., Small Businesses & Energy

Market Regularisation and Organisation Board

Intellectual Property Unit (B)

#### Mr C. Sahl

*Head of the Legislation Sector*

Intellectual Property Directorate

Ministère de l'Economie et du Commerce Extérieur (L)

#### Mr A. Sneathlge

*Industrial Property Adviser*

Innovation Directorate

Directorate General for Enterprise and Innovation

Ministry of Economic Affairs (NL)

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International Economic Agreements

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**Mr C.J. van der Valk**

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Financial and Economic Affairs Department

Ministry of Economic Affairs (NL)

**Mr S. Juchem**

*Head of the General Affairs Sector*

Directorate of Intellectual and Industrial Property Rights

Ministère de l'Economie et du Commerce Extérieur (L)

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*Director*

**Mr P.A.V. Laurent (B)**

*Director of Law Enforcement*

**Mr A.G.W.J. Verschure (NL)**

*Director of General Affairs*

# National offices

**Federal Economic Services, K.M.O.,****Small Businesses & Energy**

Market Regularisation and Organisation Board

Intellectual Property Unit

North Gate III

Koning Albert II laan 16

B-1000 Brussels, Belgium

Internet [www.mineco.fgov.be](http://www.mineco.fgov.be)

Telephone +32 2 206 48 91

Fax +32 2 206 56 50

**Ministère de l'Économie et du Commerce Extérieur**

Intellectual Property Rights Directorate

19-21, Boulevard Royal

L-2914 Luxembourg, G.H. Luxembourg

Internet [www.eco.public.lu](http://www.eco.public.lu)

Telephone +352 478 41 87

Fax +352 22 26 60

**Netherlands Patents Office**

Patentlaan 2

NL-2288 EE Rijswijk (ZH), The Netherlands

Internet [www.bie.minez.nl](http://www.bie.minez.nl)

Telephone +31 70 398 66 99 (public information)

Fax +31 70 398 66 06

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Benelux Designs Office  
Borderwijklaan 15, 2591 XR The Hague  
Netherlands

Telephone +31 70 349 11 11

Fax +31 70 347 57 08

[info@bmb-bbm.org](mailto:info@bmb-bbm.org)

[info@bbtm-bbdm.org](mailto:info@bbtm-bbdm.org)

## **Realisation**

The 2004 Annual Report Team  
Rebecca van Blitterswijk, Christian Meyers,  
Saskia Smits, Pieter Veeze, Christel Verbouw

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