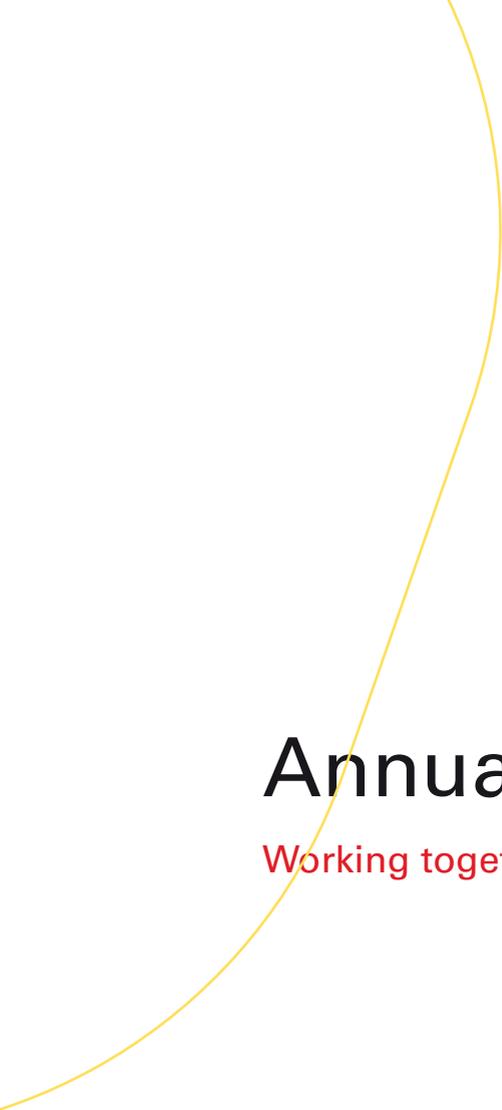


Annual Report 2008



BENELUX
OFFICE FOR
INTELLECTUAL
PROPERTY

Doing business
successfully starts
with registration



Annual Report 2008

Working together towards innovation

Successful business
starts with registration

Index

Foreword	4
1 About the BOIP	9
Working together towards innovation, with... Paul Wolbers , product manager of laws and regulations, Chamber of Commerce	10
2 Report from the Directors' Committee	14
<i>Working together towards innovation, with... Geert Glas, chairman of the Benelux Council and partner at the Brussels office of law firm Allen & Overy</i>	16
3 Registration and legal affairs	20
Registration figures	20
Refusal on absolute grounds	20
Opposition	21
Working together towards innovation, with... François Schwennicke , delegated director of the famous Belgian Delvaux brand of handbags	24
4 Information and Promotion	27
Starters and SMEs/SMBs	28
Trade fairs and presentations	28
Benelux weekend	29
Workshops	29
Working together towards innovation, with... Wilfred Backers , national coordinator of creative industry at Syntens	30
5 Management	33
Automation	34
Communication	34
Personnel and employment conditions	35

Working together towards innovation, with...**Christophe Depreter**, director of Sabam, the Belgian association for authors, composers and publishers 35

6 Figures and Statistics 39

Balance sheet as at 31 December 2008 40

Statement of income and expenditure 42

Notes 43

Auditor's report 45

Personnel data 47

Organisational Chart 48

Trademarks 49

Designs 57

Ideas 58

Working together towards innovation, with...**Maka De Lameillieure**, general director of the Flemish competency pool for product development and industrial design, Flanders InShape 60

7 Information and data 63

Management Board 64

Subbodies of the Management Board 66

Directors 68

National offices 69

Working together towards innovation, with...**Paul Emering**, secretary-general of the Luxembourg Chamber of Commerce 70

Terms and definitions 73

Foreword

2008 will go down in history as the year of the worst financial crisis since the 1920s, followed by a crisis that shook the real economy to its foundations. As the BOIP operates in a cyclical industry, the economic conditions affected the number of applications quite early in 2008, although the drop was much more severe at other national agencies.

By contrast, the number of i-DEPOTs saw a spectacular increase. The i-DEPOT is being recognised more and more as the ideal instrument for registering the creation date of a piece of work falling under copyright. Used correctly, it supports certain rights and acts in the field of patent and design legislation, and offers protection from some acts of unfair competition.

The importance of protecting intellectual property is constantly increasing, as the European Union aims to become the world's most dynamic knowledge-based economy. Innovation is the most important means of attaining this goal, and wherever there is innovation, protection of intellectual property rights is a concern. Protection of new creations provides benefits to businesspeople and contributes to economic prosperity. While an idea is being developed into a genuinely marketable product, businesspeople are often blind to the opportunities that intellectual property rights can offer. The objective of the BOIP is to increase awareness in this respect, and to introduce businesspeople to trademark and design registration.

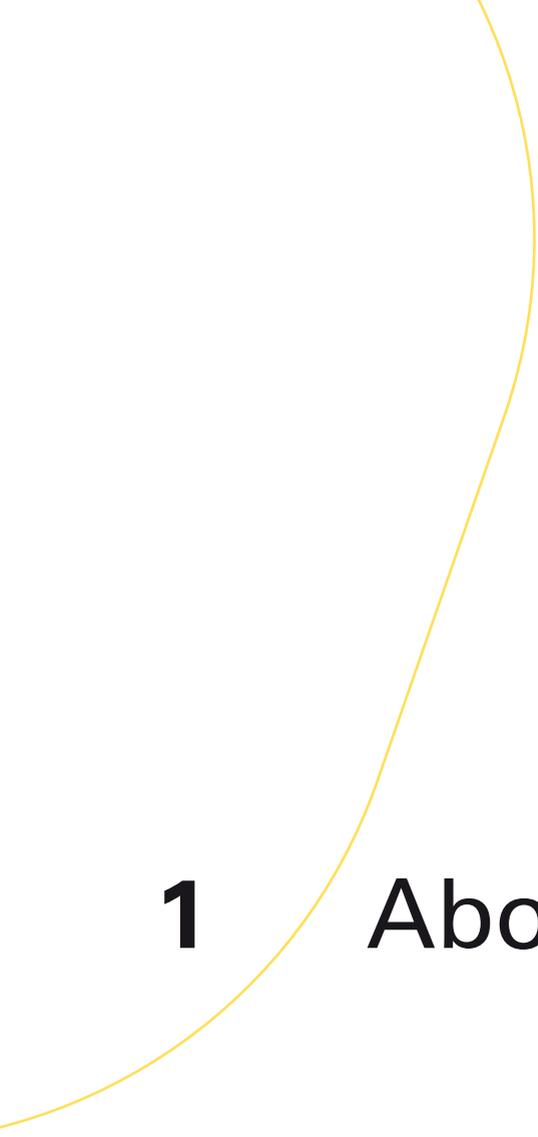
As the BOIP, we also plan to review our own services. Thanks to the prudent operations management on the part of the Directors, supported by the Supervisory Board and the Management Board, our office is in a healthy financial position which will allow us to continue to invest in improvements to our services.

In 2009 the Directors and staff will make additional efforts to optimise the provision of our existing services, as well as to develop new, related services. However, it remains an obvious fact that the BOIP (as well as other national offices and the OHIM) is sensitive to the economic climate, and is therefore dependent on developments in the industry for its recovery.

Despite the current economic ebb, I look to the future with confidence. In 2009 I am also very much looking forward to celebrating 40 years of trademark collaboration among the Benelux countries, a success largely thanks to my colleagues, to whom I am truly grateful.

Edmond Simon
Director General





1 About the BOIP

About the BOIP

The Benelux Office for Intellectual Property (BOIP) is the official Benelux organisation for the registration of trademarks and designs. The BOIP is part of the Benelux Organisation for Intellectual Property (BORGIP), an international organisation under the supervision of the Management Board. The Board contains representatives from the three countries in the Benelux territory.

Mission

The mission of the BOIP is to ensure that all Benelux trademarks and designs are registered and that businesspeople know where, why and how they can protect their intellectual property. The BOIP also facilitates the documentation of the existence of ideas, concepts, designs, prototypes, etc.

The Directors aim to strengthen the organisation's foundations as much as possible by ensuring that member states entrust new tasks in the field of intellectual property to the BOIP.

Our organisation's objective for the years to come is to obtain both reputation and recognition in the Benelux territory for the registration of intellectual property. It is important for the continuation of the BOIP that the number of registrations increases. Expanding our reputation and task base will contribute to achieving this objective.

Core values

The BOIP aims to distinguish itself as a professional service provider in the field of registration of intellectual property, with the following core attributes: confident, contemporary, reliable, accessible and flexible.

Working together towards innovation, with...



On 25 November 2008, the Chamber of Commerce (CoC) organised a second Laws & Regulations day at fourteen locations in the Netherlands, attracting three thousand visitors. One of the topics on the agenda was that of intellectual property rights, a topic often enquired about at the Chamber of Commerce. Via their website, the CoC directs many queries to the BOIP.

Paul Wolbers, *Product manager of laws and regulations, Chamber of Commerce*

Paul Wolbers: 'The name under which a company is registered at the Chamber of Commerce is the trading name. However, we also recommend that businesspeople register the name under which they provide their products and services in the BOIP's trademark register. A trading name does not protect a unique logo, and can only offer regional protection. A trading name is not recognised as a trademark until it has been entered into the trademark register.'

Interested businesspeople are directed from the Chamber of Commerce to the BOIP via a link on the website, where they can file online for the rights to a trademark using a 'Benelux filing'. Once submitted, the BOIP will investigate whether the formalities are in order and whether the trademark is eligible for protection.

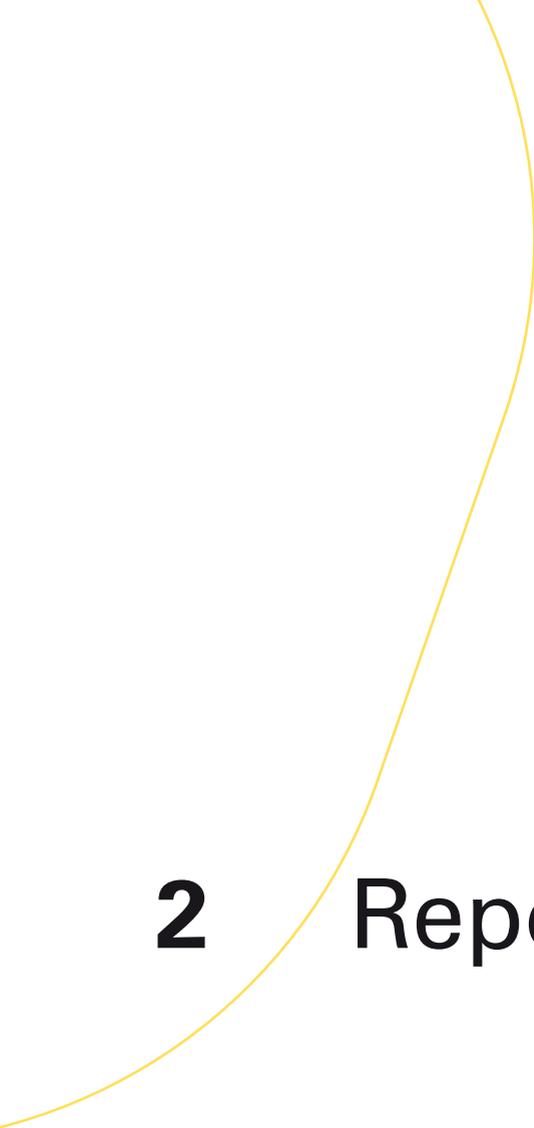
The CoC also advises beginning entrepreneurs to consult the trademark register before registering with the Chamber of Commerce. Wolbers: 'A registered trademark may no longer be used as a trade name. Visitors to our website are therefore able to click straight through to the trade register.' The BOIP trade register contains all registered trademarks with validity in the Benelux territory. The register is public and accessible for free.

The Chamber of Commerce also informs beginning and existing entrepreneurs of the option to protect ideas at an early stage of their development. 'This can be effected via an i-DEPOT, i.e. registration of a description of the idea with the BOIP before entrepreneurs approach suppliers or customers. This does not protect any of the content, but does prove that the entrepreneur already had the idea when the registration took place. We also refer website visitors to the BOIP site for this purpose.'

'We recommend that businesspeople also register the name under which they provide their goods and services in the BOIP's trademark register.'

Visitors to www.kvk.nl make full use of the links to the BOIP. 'In 2008 we counted 8000 separate hits from people who clicked on links to the BOIP site. That makes me very happy. As the Chamber of Commerce, our aim is to provide entrepreneurs with optimum legal protection that is also affordable for SMEs.'





2 Report from the
Directors'
Committee

Report from the Directors' Committee

The BOIP aims to make its services even more professional, accessible and affordable, through the application of modern technologies. Now more than ever, our activities must be geared towards those who make use of them. In this context we intend to increase accessibility for users to the registration procedure by making it clear and predictable using our website, brochures, workshops and the information centre, which responds to many queries every day via telephone, email and from visitors. We also wish to develop new sources of income by improving, supplementing or diversifying our range of services. In 2008 we initiated various activities in this regard.

New services

In 2008, several internal brainstorming sessions were held concerning the possible diversification of the BOIP's services, which produced around thirty ideas. Some of these are currently being implemented, others require more investigation as they require changes to legislation. The ideas include the introduction of invalidity proceedings at the Office, establishing English as our official working language, and taking on an important role in combating imitations.

The schedule for 2009 also includes the evaluation of opposition proceedings, which must be carried out five years after having taken effect. The BOIP is also labouring to have the Benelux Court of Justice appointed as the competent authority for appeals against decisions made by our Office. Another project due to be taken up in 2009 concerns intellectual property aspects that are related to the new constitutional status of Bonaire, Sint Eustatius and Saba (the 'BES' islands) within the Kingdom of the Netherlands.

Establishment of the Benelux Council

In 2008 we founded a new body: the Benelux Council for Intellectual Property (Benelux Council). The Benelux Council provides recommendations to the Director General on all matters concerning intellectual property that fall under the authority of the Benelux Organisation for Intellectual Property (BORGIP). In the future, the Benelux Council will play a crucial role in the development of trademark and design law in the Benelux territory. The Benelux Council met for the first time in 2008, and starting 2009, the Council will issue recommendations concerning a range of major projects at the BOIP.

The Council was founded because our Office values well-considered recommendations from interested groups regarding all important decisions that need to be taken at this level. The members of the Benelux Council are appointed by the Director General. The current chairman is Geert Glas, solicitor and former chairman of the Benelux Association for Trademark and Design Law (BMM). Members are chosen so as to represent the Benelux territory as broadly as possible, including the judiciary, legal profession, authorised representatives, academia and industry. The various nationalities, languages and cultures of the Benelux territory are also represented as uniformly as possible.

Amendments to the BCIP

A legal working group from the Benelux Union has put the final touches to a new Protocol, with several important changes to the Benelux Convention on Intellectual Property (BCIP). These include the introduction of a legal basis for the i-DEPOT, removal of the provisions regarding the authorised representatives' register (which was never introduced) and a simplification of the publication conditions for the implementation regulations. Several specific technical changes have also been proposed, such as the abolition of the obligation to offer a search of previous registrations by the BOIP, the option to renew trademarks only by paying the mandatory fees, and a change to the method of calculating the opposition period.

Inclusion of the i-DEPOT in the Benelux Convention on Intellectual Property (BCIP) guarantees the development of this service. The electronic version offers major opportunities in the field of copyright law, patent law and design law, and the instrument can make a significant contribution to combating unfair competition.

Expansion of i-DEPOT functionality

In 2008, the Office organised a Dutch and French language forum for representatives of the various target groups, in particular our knowledge partners, with the aim of testing out our plans and to take stock of the needs of potential i-DEPOT users. It turned out that the i-DEPOT and the possible use thereof are still relatively unknown. There also turned out to be a demand for a module for intermediaries, so that other interest groups and authorised representatives can provide i-DEPOTs to their customers or members. Based on this information, in 2009 the Office will develop a module for intermediaries and work on increasing recognition of the i-DEPOT.

Working together towards innovation, with...



Annual Report 2008

The Benelux Council was founded in 2008 at the initiative of Edmond Simon, Director General of the BOIP. The Council was founded because the BOIP values well-considered recommendations from interested parties regarding its activities. Our objective is, after all, to focus more and more on our users.

Geert Glas, *chairman of the Benelux Council and partner at the Brussels office of law firm Allen & Overy*

The Benelux Council provides recommendations and advice to the Director General on all matters concerning intellectual property that fall under the authority of the Benelux Organisation for Intellectual Property (BORGIP). In the future, the Benelux Council will play a crucial role in the development of trademark and design law in the Benelux territory.

The members of the Benelux Council were appointed by the Director General. During the first meeting in The Hague on 7 November 2008, the twelve members unanimously elected Geert Glas as chairman for the next four years. Glas: 'I suspect that my command of both Dutch and French has something to do with it, in addition to my previous position as chairman of the Benelux Association for Trademark and Design Law (BMM).' As chairman he fulfils a facilitating role, and ensures that all members can express their views concerning recommendations and advice.

The Benelux Council is now involved in more than five different projects. Glas: 'Among other things, we are currently discussing the possibility of transferring authority over appeals and cassations regarding decisions made by the BOIP to the Benelux Court of Justice. Appeals of this type are currently

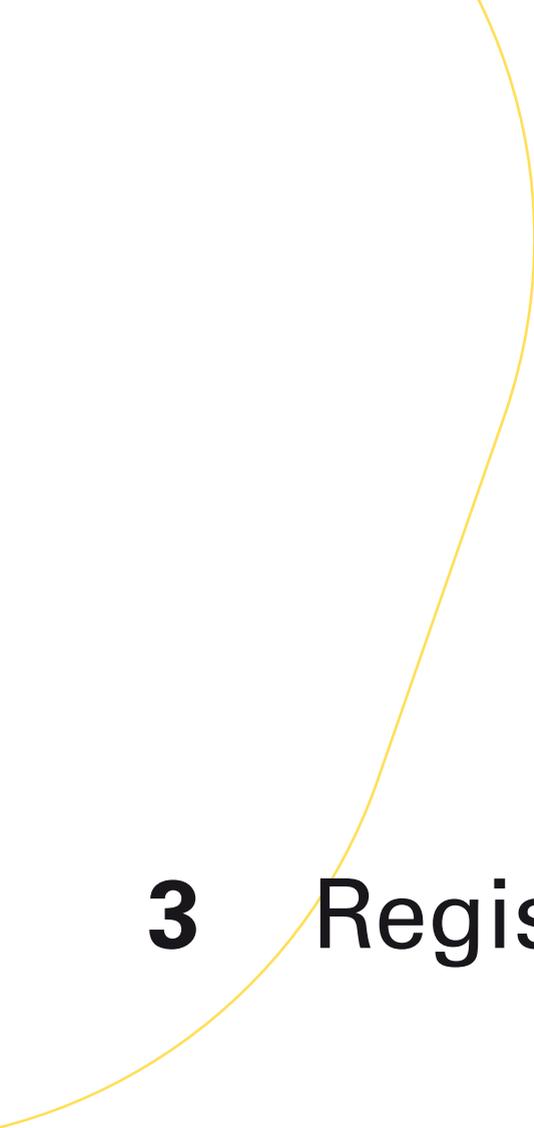
dealt with by the courts in The Hague, Brussels or Luxembourg, depending on where the appealing party (or authorised representative) resides. This leads to significant differences in appeals verdicts. Consolidating appeals at one single court may offer a solution to the problem.'

'We are currently discussing the possibility of transferring authority over appeals and cassations regarding decisions made by the BOIP to the Benelux Court of Justice.'

The Benelux Council will also evaluate the opposition procedure. 'When it was introduced in 2004, the agreement was made to fully evaluate the procedure five years later. Currently, oppositions are filed against roughly five per cent of new applications. The initial memorandum proposed topics that possibly deserve further investigation in the evaluation. We will also be looking at best practices, in Alicante or other countries.'

Another proposition on which the Council will issue an opinion is the possible addition of English as the official working language of the BOIP.





3 Registration and legal affairs

Registration and legal affairs

Registration figures

In 2008, the BOIP registered 23,454 trademarks, a decrease of 5 per cent compared to 2007. This drop was particularly noticeable in the second half of the year, probably due to the influence of the worldwide economic crisis. The number of renewals in 2008 was roughly the same as in 2007. The number of international registrations received through WIPO dropped by 16 per cent. The number of international applications based on a Benelux registration increased by over 7 per cent. The number of opposition requests was roughly the same as in 2007, meaning that an opposition was filed against approximately 5.65 per cent of all applications.

The number of design registrations continued to fall, with a 10 per cent drop compared to 2007. The growth in the number of i-DEPOTs continued steadily, with the electronic version being particularly successful. 2008 was the first complete calendar year in which this option was available. In total, 2180 electronic i-DEPOTs were received.

The BOIP is committed to processing registrations quickly and efficiently. For example, we can guarantee that trademark applications that meet the formal requirements will be processed within two weeks. For some years we have also offered accelerated registrations, which take only 24 hours.

Refusal on absolute grounds

The publication of the new guidelines pertaining to refusal on absolute grounds in November 2008 was a small milestone. The guidelines are principally intended to provide information to users and to increase the predictability of decisions. The structure of the guidelines has been kept as similar as possible to the previous version from September 2004, so that they can be easily navigated by users who are already familiar with them. The new guidelines are essentially an updated version of the previous ones. No drastic substantive changes have arisen from the legal precedents since set at European or Benelux level.

In addition, one of the major issues was the optimisation of cooperation between the Registration and Legal Affairs departments, with the purpose of further

improving the quality of our work. One aspect in which this idea found purchase was refusal on absolute grounds. The preliminary decision to refuse that is made by the investigator is now also reviewed by our legal experts, meaning that several people look at a decision before it is dispatched. In this manner, we guarantee quality in our decisions to the fullest extent possible, and aim for uniformity in our policy.

As usual (due to the time-frames associated with the procedure), the statistics for refusal on absolute grounds (see page 54) do not include the figures from last year, but from the year prior to that. The percentage of provisional refusals rose in 2007 compared to 2006, from 9.68 per cent to 11.02 per cent. This increase is mainly attributable to applicants who filed their own applications (from 14.94 per cent to 17.55 per cent), and is considerably lower for applications filed by authorised representatives (from 7.08 per cent to 7.61 per cent).

The percentage of definitive refusals also rose significantly (from 4.47 to 8.14 per cent). This is primarily due to simplifications in the procedure which mean that applications are now rarely excluded from further processing, and that a final decision regarding refusal must be taken more often than in the past. These figures highlight the importance of providing good-quality information, and of course this will remain a focus in the future.

The number of appeals submitted against refusal is, as usual, quite low: eight appeals over the entire year. It is once again striking that Belgium emerged as the most litigious country – in relative terms (proportional to the total number of applications filed) Belgium's figures are more than eight times higher than those of the Netherlands. This major difference seems partly due to the divergent legal systems of the two courts. Whereas in the Netherlands nearly all Office refusals are confirmed, in Belgium this is far less often the case. An overview of all appeals can be found on our website, www.boip.int.

Opposition

An opposition milestone has also been reached: the hundredth decision was issued in August 2008. As shown by the figures elsewhere in this report (see page 56), the relatively new opposition procedure that was introduced in stages starting in 2004 for all classes of goods and services is now operating at full strength.

Since 2007, the Registration department has been responsible for the administrative stage of the opposition procedure. This means that all investigators handle the administrative section of the opposition procedure. We aim to have the same employee handle the opposition (as part of the registration) who also handled the application to which the opposition pertains. This is a continued development of the one-stop-shop mentality that the BOIP has been pursuing for some years now.

In order to keep this process effectively manageable, in 2008 we made major investments in automation. In this manner we have developed a fast and efficient working method for the effective administration and safeguarding of opposition requests. The system was implemented in late 2008.

Over the next few years we will continue to work on developing online interaction with users, including the introduction of digital submission of oppositions over the course of 2009. This tool facilitates and simplifies submission of oppositions both for users and the BOIP, e.g. due to the fact that data can be copied automatically from the register to the opposition request.

Now that the administrative part of the opposition procedure has been automated and moved to the Registration department, the legal specialists can concentrate on writing decisions. The goal for 2009 is to significantly reduce the time it takes to handle an opposition. Around three hundred decisions are expected for 2009.

The first appeals against opposition decisions have already been submitted. At the time of publication, none of the competent legal authorities had issued a final decision. In one of the cases, the Brussels Court of Appeal submitted questions to the Benelux Court of Justice. Of course the BOIP is also following these proceedings with great interest. All opposition decisions can also be found on our website (www.boip.int), with an indication of whether an appeal has been lodged or not.

Lastly, the Legal Affairs department has been reorganised, in principle allowing all legal experts to be deployed operationally as all-rounders. This will give them broader experience in the field of trademark law, providing further improvements to quality. From an organisational perspective, it also makes the legal activities more manageable: legal experts can now be deployed more easily and flexibly to whichever task requires the most work at any one time.



In 2008, François Schwennicke chaired the French-language forum on the i-DEPOT in Brussels. The BOIP wanted to take stock of what knowledge partners need from the i-DEPOT, and to test whether the organisation is on the right track. At the forum, the BOIP explained how the i-DEPOT works, and participants exchanged ideas.

François Schwennicke, *delegated director of the famous Belgian Delvaux brand of handbags*

Schwennicke may not be a specialist in the field of intellectual property, but he is a well-known and well-connected figure in the Brussels business community. That made him a very fitting chairman, as the objective of the forum was to introduce French speakers from Belgium and Luxembourg to the i-DEPOT.

Schwennicke sees the i-DEPOT as very worthwhile: 'I believe that a change in mentality is needed in the business community. Every company should be constantly examining and documenting new ideas using a digital i-DEPOT. You could take time to do so at the end of a meeting. Put ideas down on paper, document where they come from and who created them. Make them official!' François, the director of a creative fashion company, recognises this necessity from experience. 'Innovation sometimes leads to conflict, which is why ideas need to be protected. One should also always ask the question: is this idea actually ours? And if you really need to, you can always go to court to defend your product.'

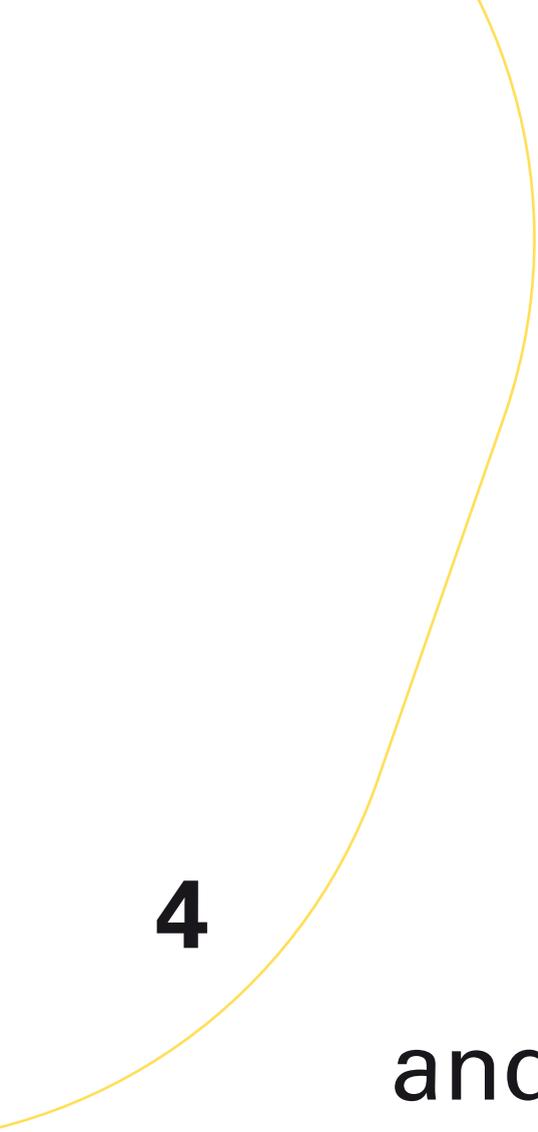
Employees of leather goods manufacturer Delvaux constantly meet to discuss new product ideas. Delvaux currently still goes to the BOIP office to register them, which is where the i-DEPOT comes in handy. Schwennicke: 'But

perhaps in the future we will also start using the i-DEPOT in certain cases.'

However, the director and bag designer still has some questions regarding the i-DEPOT. What is its legal validity? Is the system completely watertight? Will it protect us? Schwennicke believes that the best thing would be for the BOIP to approach businesspeople individually. 'Then you can provide an even better explanation of how intellectual property works. It remains a complicated subject. Even during the forum we still had questions that were left unanswered.'

'I believe that a change in mentality is needed in the business community. Every company should be constantly examining and documenting new ideas using a digital i-DEPOT.'





4

Information and Promotion

Information and Promotion

Starters and SMEs

One of our main focus areas in 2008 was to deepen and expand our network of partners with knowledge of innovation and intellectual property, in order to increase knowledge among SMEs. We also devoted special attention to entrepreneurs who are starting out, with trade fairs, advertisements and presentations.

In 2008 we sent out a mailing for the first time to starters in business services. In Belgium this occurred following our participation in the Unizo Starters' Day (Startersdag) in spring; in the Netherlands it followed the national Starters' Day run by the Chamber of Commerce in the autumn. The Chamber of Commerce and the Kruispuntbank assisted by providing us with the necessary address information. We sent starters a letter with a reference to a special page on our website, containing specific advice for entrepreneurs just starting out and a link to our brochure. The mailing will be succeeded by an online campaign for SMEs.

Trade fairs and presentations

Together with our knowledge partners, we have been working on knowledge transfer and dissemination. Read about a selection of our activities below.

In the Netherlands, NewVenture organised their annual gathering on intellectual property at the Patent Centre, for the participants in the business plan competition. We were responsible for the section on trademarks and designs. Later, at the intake days for the 'Best Idea in the Netherlands' (het Beste Idee van Nederland), we were given the opportunity to provide information to up-and-coming inventors.

As part of the business plan competition, Bizidee organised information days at various locations in Flanders, an initiative that was followed by the business event 'Entrepreneurship in the Air' (Ondernemerschap in de lucht) in Vienna. Both during the flight and in Vienna itself, the finalists were able to do some networking and ask questions to our representative.

In Flanders, the Flemish Agency for Entrepreneurs (VLAO) organised information sessions in each province, with an emphasis on the filing of trademark applications. There was plenty of opportunity for practice, such as looking up trademarks,

indicating classifications, etc. There was a lot of interest, and the sessions proceeded in an animated atmosphere.

In Wallonia we took part in the third ACEE conference (Association des Clubs d'Etudiants Entrepreneurs de Belgique) with students who had started a business. The subject of trademarks and designs generated a lot of questions.

In Luxembourg, Luxinnovation presented a series of four seminars whose aim was to make organisations aware of the importance of protecting intellectual property, and to provide as much basic information as possible to the participants. Our representative contributed to two topics: 'Introduction to Intellectual Property' and 'Trademarks and Designs'.

Benelux weekend

On 5 July 2008, together with non-profit organisation Atomium, the Secretary General of the Benelux Union organised a 'Benelux happening' to celebrate 50 years of the Benelux Convention. Visitors and tourists received all kinds of information on the activities and tasks of the Benelux territory. One of the spheres was transformed into a 'Benelux Ball', with an info kiosk of the General Secretariat of the Benelux Economic Union, the Euro Contrôle Route, the 'De Zoom - Kalmthoutse Heide' cross-border nature reserve, and the BOIP.

Workshops

In 2008, our series of workshops was extended to include a workshop on classification. For the workshop on refusals (which has been incorporated into the trademark attorney training programme) we had a record number of 106 participants!

In late November 2008, three sessions were held in The Hague and two in Brussels, during which the Legal Affairs department briefly outlined the current state of affairs in relation to the legal system. Practical points concerning the procedure were also explained, and we looked at some real examples. The objective was to inform users of how our Office applies the guidelines, as well as to increase the predictability of the BOIP's decisions.

We organised special sessions for the staff of our knowledge partners. For example, we assisted VLAO staff to prepare for the tasks as part of the EFRO 'VISIE' project to be launched in 2009.

Working together towards innovation, with...



Syntens is an innovation network commissioned by the Ministry of Economic Affairs that provides free information and advice on innovation to SMEs in the Netherlands. Wherever information on intellectual property is concerned, Syntens collaborates closely with the BOIP. 'Such as when we toured creative hotspots together in 2008' explains Wilfred Backers.

Wilfred Backers, *national coordinator of creative industry at Syntens*

Intellectual property is a very relevant topic in the creative sector, says Backers. 'The creative sector often supports other sectors. Many creative businesses add elements to other people's products and services, and are involved in the creation of ideas, designs and concepts.'

However, creative businesses are often unaware that these ideas can and should be protected. Backers: 'Many businesspeople don't give it a moment's thought. But every business should consider at the outset how it plans to deal with technical applications and/or trademarks, ideas and concepts in terms of intellectual property rights. It is precisely in the creative sector that trademarks, ideas and concepts are an issue. That is where the BOIP becomes an important partner – they know the terrain and provide the opportunity to document ideas and register trademarks and designs.'

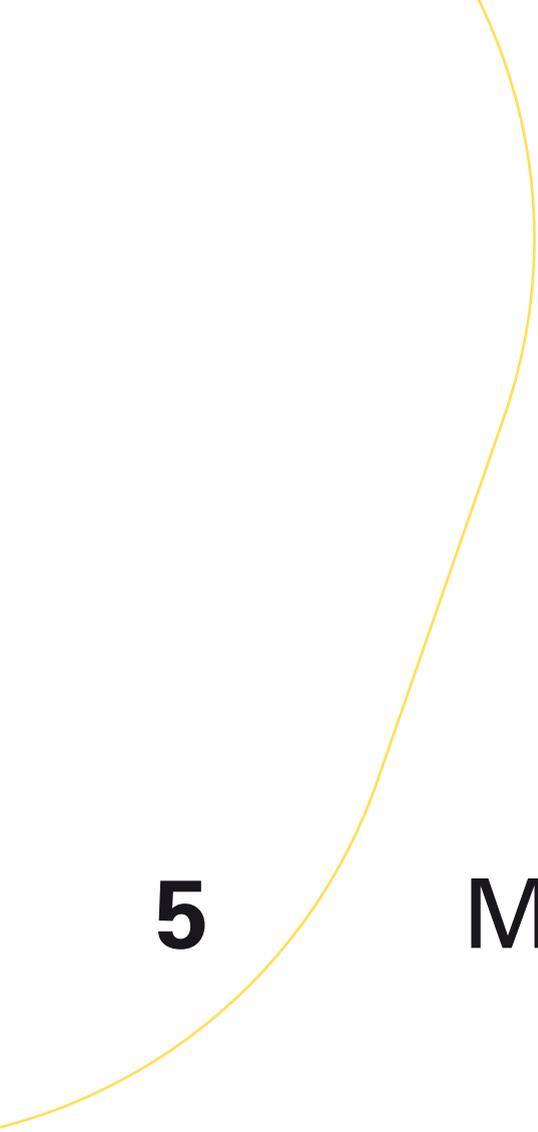
To provide information to businesses and to ensure that they use the information, Syntens collaborates with the BOIP. 'In 2008 we set up the "LiveWIRE creative networkTour". A busload of managers of large companies and multinationals toured through creative hotspots, such as the Caballerofabriek in The Hague, which houses around fifty creative SMEs in a single location. The businesses gave a presentation to the

managers in order to bridge the gap between them and to enhance each other's business. Afterwards, everyone had the opportunity to talk in more detail and to arrange further meetings. This type of 'mediation' between parties is where Syntens excels. During the tour, the BOIP gave out lots of information on intellectual property rights and the documentation of ideas, with the message: 'Do it beforehand, because afterwards it is very hard to determine who had the idea first.'

'Every business should consider at the outset how it plans to deal with technical applications and/or trademarks, ideas and concepts in terms of intellectual property rights.'

'We want to continue the tour in 2009, but with a more specific angle', says Backers. 'The creative industry is an important target group for the BOIP, so where that is concerned, our collaboration with the BOIP will only increase!'





5

Management

Management

Automation

The BOIP's IT policy is designed to provide optimum support to operational and supporting processes, and to provide our customers with interactive services.

In 2008 our Office made a substantial contribution to the European 'TM View' project, which provides users with a single system for searching the trademark registers of the affiliated national offices and the OHIM. The module will be operational in 2009.

Over the past year the BOIP has also collaborated with the OHIM and several national agencies on the creation of the Euro-Class database, an extremely advanced classification tool that is scheduled for development in all EU languages.

The BOIP Assessment application has been created for internal use, which calls up and integrates the required information from various databases, such as name/address details, results areas from position descriptions, and competencies. The application supports the assessment/performance interview system, and manages and provides all of the related data. Various steps have also been taken in the fields of change and project management in order to further increase system effectiveness and reliability.

In 2009, activities will include work on an intermediary module for the i-DEPOT, plus a new version for the electronic submission of registrations and other applications (TM talk).

Communication

A highlight of 2008 was the publication in November of our first corporate company magazine. The magazine is primarily intended to highlight the role of the BOIP in the field of intellectual property and the position of the BOIP within the chain of innovation. In this manner we also hope to increase both the recognition of our organisation and awareness of our services, particularly of the i-DEPOT. The magazine is available in Dutch and French, and was distributed among the BOIP's business relations. In 2009, the magazine will appear once more as a means of promotion during gatherings and contact with business relations.

A large number of knowledge partners helped to create the magazine, and thanks to their enthusiastic participation in interviews and photo sessions, it has become an attractive and interesting publication. The BOIP would once again like to thank Karel van Eetvelt, Wouter Pijzel, Frédéric Mignolet, David Harry, Serge Quazzotti and many others for their participation.

Personnel and employment conditions

In 2008, the BOIP updated all job descriptions. Positions that broadly represent the same role have, where possible, been described generically within a single job profile. This brings us in line with more large-scale developments within the Dutch government without losing our individual character. 'Unique profiles' have been created for some positions, depending on their place within the organisation or the practical content of the tasks involved.

Using questionnaires, a study was conducted last year into how employees experience and assess the work they do. The results were positive. However, the amount of VDU work remains an important focus point. All employees were offered a voluntary medical check-up. In 2008 many BOIP employees expressed the desire to get more exercise, and to meet this need the BOIP has introduced a company fitness scheme.

The Company Emergency Response Team (CERT) has also hung up a security plan in every room. An internal emergency telephone number has been introduced, and fire safety in the building has been inspected. Monthly meetings and refresher training courses were also organised for CERT members, and a CERT protocol has been created which includes a description of the available fire-extinguishing equipment, escape routes and alarms.

The board of the BOIP Pension Fund has been anticipating with a certain measure of dread the new demands set by the Pensions Act. The decision has been made to discontinue the pension fund and switch to a direct insurance scheme. The official resolution to liquidate was made in 2008, after which the remaining formalities were carried out. A new pension contract, implementation agreement and deposit agreement have been drawn up. A pension advisory board has been set up to establish the annual indexation of retirees' pensions.

Working together towards innovation, with...



Sabam came into contact with the BOIP at the i-DEPOT forum in late 2008. Sabam now acts as an intermediary between its members and the BOIP.

Christophe Depreter, *Director of Sabam, the Belgian association for Authors, Composers and Publishers*

Sabam's business is copyright law. Depreter: 'If a newspaper wants to publish a painting by Picasso, they need to ask for our permission. We manage the rights of Picasso's heirs, plus those of many others. Publication comes with a price tag, as do music, audio-visual productions, theatre, literature and visual art.' At present, Depreter's work mainly concerns Sabam's financial affairs. 'Paying copyright is actually the same as buying beers when you throw a party – it's simply part of the package.' The same goes for documenting all types of work, says the director. 'That needs to be organised centrally, such as via the i-DEPOT.'

Sabam's relationship with the BOIP is very good, Depreter continues. 'It's also quite new. We had never worked together before, until recently. Now we carry a recommendation on our website, and Sabam members can get a discount when submitting an i-DEPOT to the BOIP.'

Sabam is receiving increasing amounts of work, mostly due to the Internet. New media such as YouTube can create lots of turmoil in the market. Sabam is also involved in a court case with Internet company Scarlet concerning the illegal exchange of online files. It is precisely in these turbulent times that innovation can be useful. In

addition to new initiatives from manufacturers and the industry, Depreter also sometimes sees new initiatives coming from users.

'One example of a very valuable invention is what is called fingerprinting'.

'Take a look at the music world, and you can see that telecommunications companies are creating more and more technical gadgets. One example of a very valuable invention is what is called "fingerprinting" – a new technology that automatically recognises the music that is broadcast on radio or television, and which makes it easy for us to monitor what is being done with the work of our members.'

But there is still a long way to go. Depreter sighs: 'On the Internet it still isn't always clear who is responsible for what, and who should pay for the use of music, etc. That is why, in addition to new technology, we also need a new business model. How can you make sure that creators actually get paid? And how much? But that will take some years yet.'



6 **Figures and statistics**

Figures and statistics

Balance sheet as at 31 December 2008

Assets		
<i>in thousands of euros</i>	2008	2007
<i>Tangible fixed assets</i>		
Industrial buildings and land	7.212	7.442
Automation	1.854	1.870
Other fixed assets	225	154
	9.291	9.466
<i>Financial fixed assets</i>	11.113	8.074
Total fixed assets	20.404	17.540
<i>Accounts receivable</i>	1.839	1.378
<i>Liquid assets</i>		
Cash in hand	2.237	1.781
Deposits	2.265	7.290
	4.502	9.071
Total current assets	6.341	10.449
	26.745	27.989

Liabilities	2008	2007
<i>in thousands of euros</i>		
General reserve	8.980	8.980
BOIP reserve fund	10.809	10.807
Total equity	19.789	19.787
<i>Provision</i>		
Provision for reorganisation	279	492
Provision for early retirement	41	59
Provision for large-scale maintenance	57	56
	377	607
<i>Short-term debts</i>		
Deferred income	4.865	4.962
Other short-term debts	1.714	2.633
	6.579	7.595
Total debt capital	6.956	8.202
	26.745	27.989

Statement of income and expenditure

<i>in thousands of euros</i>	2008	2007
Revenue	14.034	14.221
<i>Operating expenses</i>		
Staff costs	10.578	10.620
Depreciation	974	756
Miscellaneous operating expenses	1.982	2.080
	13.534	13.464
Operating result	500	757
<i>Financial income and expenditure</i>		
Interest income	384	378
Exchange gains and losses and investment portfolio	-881	174
	-497	552
Profit for the year	3	1.309

Notes

The BOIP succeeded in concluding the year with a small profit of € 2,643 (2007: € 1,308,747). This was thanks to modest expenditure as well as the yields generated from community searches up to mid-2008. And although resources could hardly be added to the general reserve, the financial position of the BOIP remains stable. This creates some leeway to take a very reserved approach to possible fee increases for 2010. The OHIM Management Board lowered the fees for the community trademark in 2008. In relation to this, it was agreed that fifty per cent of the OHIM's renewal fees would be divided among the national Offices, due to their activities and costs associated with the community trademark. In the long term, this will help to keep the BOIP's fees down.

Turnover

Turnover fell in 2008 to € 14,034,000 (2007: € 14,221,000), but remained well above the budgeted € 13,735,000. The number of registration applications filed dropped by 5 per cent to 23,454 (2007: 24,659). Turnover from applications filed dropped by four per cent to € 6,355,000 (2007: € 6,604,000). Half of this decrease was caused by the drop in accelerated registrations. In 2008, the drop in accelerated registrations that was already present grew to no less than twenty per cent, probably as a result of the crisis.

The number of renewal applications (13,300) remained practically the same in 2008, however the turnover generated from renewals rose considerably from € 3,468,000 to € 4,117,000, almost all of which is attributable to an accounting transfer from 2007 to 2008.

The drop in international turnover from € 2,290,000 to € 1,938,000 was not as bad as expected. Given the abolition of the mandatory search for community trademarks, a bigger drop had been budgeted for. This was partly compensated for by positive growth among international applications via WIPO.

In H1, the opposition service continued along the trend established in previous years. The percentage of oppositions rose in comparison with the number of trademarks that were open to opposition. Things changed in H2,

when the number of oppositions fluctuated significantly. Eventually the figures averaged out nicely – over the whole of 2008, 1301 oppositions were submitted, compared to 1302 in 2007. The percentage of oppositions relative to the number of trademarks open to opposition remained roughly the same as in 2007: 5.65 per cent.

Turnover from i-DEPOTs rose to € 133,000 in 2008, whereas the counter stopped at € 104,000 last year. Both individual i-DEPOTs and i-DEPOTs submitted via a credit account are on the rise, and the paper envelope is being requested less and less. Although the increase in turnover provides some satisfaction, the BOIP is convinced that this area still offers a world of possibilities.

Costs

Staff costs dropped by € 50,000 to € 10,578,000. This decrease is a relatively modest one, due to the fact that the departure of several employees in 2007 was balanced out by the arrival of a new Deputy Director General for Registration and Legal Affairs, an IT project leader and one Communications staff member. The usual Dutch national government salary increase also took effect (3 per cent).

As expected, depreciation increased considerably, from € 756,000 to € 974,000. Investments in the i-DEPOT and opposition were barely declared in 2007, whereas this did occur during the whole of 2008. A new company van (MPV) has also been purchased, and investments have been made to make the interior of the building conform to the new company image.

Other costs dropped by 5 per cent during the year under assessment, from € 2,080,000 in 2007 to € 1,982,000. This also represents a 14 per cent decrease when looking at the budget (€ 2,310,000). These savings were made primarily on general costs and legal costs. Accommodation costs were substantially higher than in the previous year, because in 2007 the largest part of the provision for large-scale maintenance was released (€ 107,000). By contrast, general costs fell to € 565,000, compared to € 674,000 in 2007.

Financial assets and liabilities

2008 was a disastrous year for the stock exchange. Prices fell by 40 per cent worldwide, and in the Netherlands even further. Increased risk aversion among many parties also caused the prices of non-government bonds to drop. Because a significant portion of BOIP's investments are in government bonds and we purposefully underinvested in shares, the consequences remained relatively limited. This does not alter the fact that investment losses were suffered, to the amount of € 881,000. On the other hand, € 384,000 was received in interest.

Auditors' report

Introduction

We have audited whether the accompanying abbreviated financial statements of the Benelux Office for Intellectual Property, The Hague, for the year 2008 (as set out on pages 40 to 45) have been derived consistently from the audited financial statements of the Benelux Office for Intellectual Property, for the year 2008. In our auditors' report dated 28 April 2009 we expressed an unqualified opinion on these financial statements. Management is responsible for the preparation of the abbreviated financial statements in accordance with the accounting policies as applied in the 2008 financial statements of the Benelux Office for Intellectual Property. Our responsibility is to express an opinion on these abbreviated financial statements.

Scope

We conducted our audit in accordance with Dutch law. This law requires that we plan and perform the audit to obtain reasonable assurance that the abbreviated financial statements have been derived consistently from the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, these abbreviated financial statements have been derived consistently, in all material respects, from the financial statements.

Emphasis of matter

For a better understanding of the company's financial position and results and the scope of our audit, we emphasise that the abbreviated financial statements should be read in conjunction with the unabridged financial statements, from which the abbreviated financial statements were derived and our unqualified auditors' report thereon dated 28 April 2009. We emphasise that the financial statements 2008 and our auditors' report thereon are intended solely for specific users, participants in the Benelux convention for Intellectual Property and may not be suitable for another purpose. Our opinion is not qualified in respect of this matter.

The Hague, July 2009

PricewaterhouseCoopers Accountants N.V.

Original is signed by Mr A.E. Gerritsma RA

Personnel data

Number of employees

	31-12-2008	31-12-2007
NL	68	70
B	21	20
L	3	3
Totaal	92	93

Mannen	Vrouwen
41	51

Fulltime	Parttime
57	35

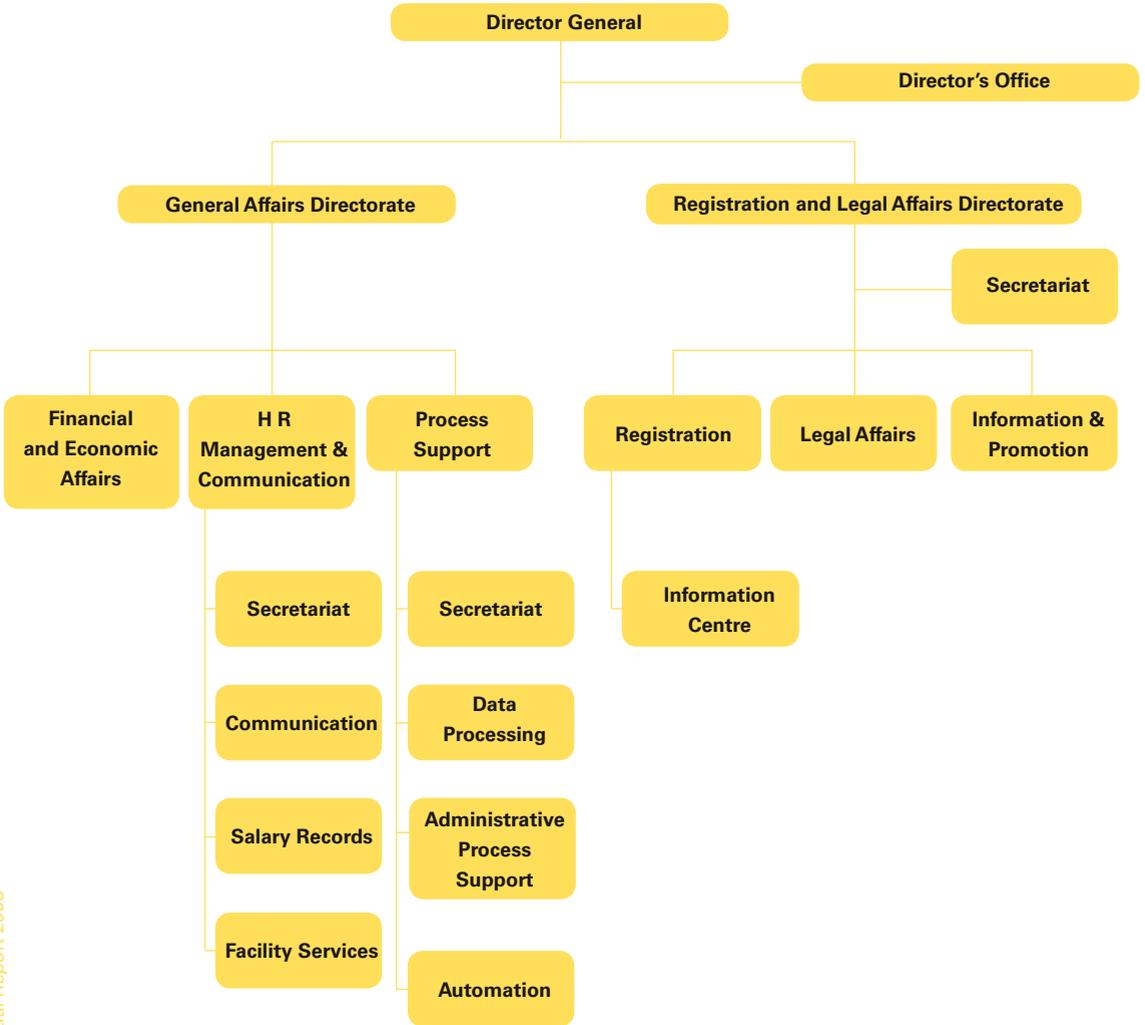
Years of service

	Number of employees
0 tot 5	8
5 tot 10	17
10 tot 15	17
15 tot 20	17
20 tot 25	25
25 tot 30	6
30 tot 35	2
35 tot 40	0
	92

Age class

	Number of employees
20 tot 25	0
25 tot 30	1
30 tot 35	4
35 tot 40	14
40 tot 45	27
45 tot 50	20
50 tot 55	17
55 tot 60	8
60 tot 65	1
	92

Organisational chart



Trademarks

Benelux searches ¹					
	2008	2007	2006	2005	2004
Priority	0	2	2.495	3.959	3.697
Standard	201	290	18.736	23.555	18.897
Total	201	292	21.231	27.514	22.594

International searches ²					
	2008	2007	2006	2005	2004
	0	0	14.890	7.805	664

European searches					
	2008	2007	2006	2005	2004
	30.725	89.085	71.431	87.576	60.142

1. Since 1 September 2006, the Benelux search is no longer compulsory.
2. The compulsory international search was abolished as of 1 September 2006.

Total Benelux filings				
2008	2007	2006	2005	2004
23.454	24.659	27.221	30.691	22.618

Submitted online				
2008	2007	2006	2005	2004
19.810	20.644	21.652	22.848	13.893

Collective trademarks				
2008	2007	2006	2005	2004
69	55	72	63	75

Benelux filings broken down by class

	Aantal	%
01	617	0,91
02	245	0,36
03	1.194	1,76
04	194	0,29
05	1.543	2,27
06	788	1,16
07	639	0,94
08	295	0,43
09	4.273	6,30
10	482	0,71
11	992	1,46
12	586	0,86
13	34	0,05
14	632	0,93
15	82	0,12
16	3.655	5,39
17	371	0,55
18	1.022	1,51
19	842	1,24
20	1.130	1,67
21	660	0,97
22	178	0,26
23	55	0,08
24	745	1,10
25	2.379	3,51
26	149	0,22
27	270	0,40
28	1.043	1,54
29	1.407	2,07
30	1653	2,44
31	1.011	1,49
32	970	1,43
33	578	0,85
34	139	0,20
35	9.925	14,63
36	2.980	4,39
37	2.196	3,24
38	2.201	3,24
39	1.584	2,34
40	730	1,08
41	6.878	10,14
42	5.102	7,52
43	1.548	2,28
44	1.841	2,71
45	1.991	2,94
	67.829	100,00

Breakdown of Benelux filings by national office

	2008	2007	2006	2005	2004
Belgium	314	319	301	398	607
Luxembourg	0	0	0	25	37
BOIP	23.140	24.372	26.920	30.266	21.970
Total	23.454	24.646	27.221	30.689	22.614

Benelux filings broken down by country of origin

	2008	%	2007	%	2006	%	2005	%	2004	%
Benelux										
Netherlands	15.777	67,35	17.077	69,34	18.259	67,21	20.385	6,52	15.588	68,98
Belgium	5.384	22,98	5.321	21,61	5.168	19,02	5.707	18,62	4.768	21,10
Luxembourg	679	2,90	566	2,30	578	2,13	526	1,72	452	2,00
U.S.	328	1,40	414	1,68	814	3,00	859	2,80	688	3,04
Japan	36	0,15	58	0,24	74	0,27	70	0,23	79	0,35
Other EU	759	3,24	710	2,88	1.697	6,25	2.524	8,24	595	2,63
Other	463	1,98	482	1,96	579	2,13	574	1,87	428	1,89

Monthly priority registration processes

	2008	2007	2006	2005	2004
1	229	284	1.701	205	73
2	265	323	1.263	234	110
3	226	316	929	270	115
4	272	241	868	278	183
5	190	299	285	247	201
6	212	266	280	331	179
7	237	232	261	271	175
8	131	239	239	411	208
9	179	218	275	543	181
10	218	239	329	812	240
11	180	272	301	2.833	196
12	168	176	274	3.939	252
Total	2.507	3.105	7.005	10.374	2.113

Number of trademarks published

	2008	2007	2006	2005	2004
Individual	19.817	20.107	34.488	19.874	19.009
Collective	48	45	79	59	88
Total	19.865	20.152	34.567	19.933	19.097

Requests for renewal

	2008	2007	2006	2005	2004
Individual	13.244	13.248	12.424	13.215	12.710
Collective	56	54	33	60	42
Total	13.300	13.302	12.457	13.275	12.752

International registrations applied for via the BOIP

	2008	2007	2006	2005	2004
Protocol	1.056	508	453	361	221
Agreement	433	581	654	783	758
Agr. + Prot.	1.214	1.438	1.503	1.398	1.385
Total	2.708	2.531	2.615	2.563	2.577

International registrations valid in the Benelux region

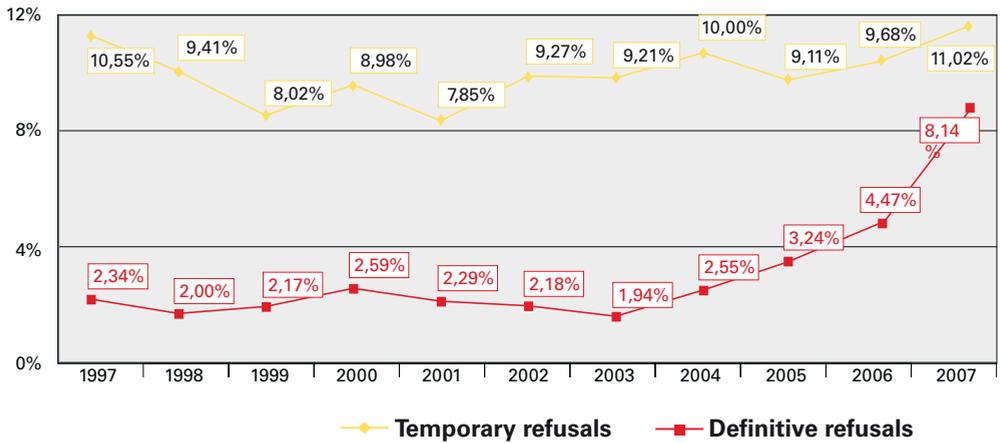
	2008	2007	2006	2005	2004
Total	5.629	6.141	6.987	9.237	7.791

Refusal on absolute grounds - Statistics 2006 ¹

	Number	Percentage	Total
enelux filings ²			23.191
Filed by trademark proprietors	7.958	34,32%	
Filed by agents	15.233	65,68%	
		100%	
Provisional refusals			2.556
Full	2.502	10,79%	
Partial	54	0,23%	
		11,02%	
Filed by trademark proprietors ³	1.397	17,55%	
Filed by agents ³	1.159	7,61%	
Filings resulting in registration despite provisional refusal ⁴	271	1,17%	
Filings withdrawn by request/cancelled priority registrations	346	1,49%	
Filings excluded from further processing	40	0,17%	
Objection period still underway (Regulation 1.15 Implementing Regulations)	11	0,05%	
Final refusals			1.152
Full	1.874	8,08%	
Partial	14	0,06%	
		8,14%	
Filed by trademark proprietors ³	1.209	15,19%	
Filed by agents ³	679	4,46%	
No objection lodged	1.548		
Objection was lodged	340		
Appeal lodged (Article 2.12 BCoIP) ⁶			8
In Belgium	5		
In Netherlands	2		
In Luxembourg	1		

- 1 The statistics for 2008 are not yet available, due to the prescribed time frames for this procedure.
- 2 The disallowed filings are not counted in the total number of filings. The percentage of refusals is therefore a little higher than it would have been using the old calculation method.
- 3 These refusal percentages are calculated according to the number of filings submitted by trademark owners/attorneys.
- 4 This mainly concerns provisional refusals that were reversed following a response from the trademark owner/attorney, e.g. when the filing became limited or proof of naturalisation was provided.
- 5 The percentage of definitive refusals is higher than in previous years. This can be explained by reasons such as changes to the registration procedure which prevent filings from being excluded from further processing.
- 6 In contrast to all other figures in this table, whose totals are calculated according to the filing date in the relevant year, the number of appeals is calculated according to the date on which the appeal was submitted.

Development of refusals on absolute grounds versus number of filings



Number of oppositions

	Aantal	Percentage
Allowable	1.301	98%
Disallowed	25	2%
Total	1.326	
<i>Cancelled (2007) (allowable oppositions)</i>		
Total	482	37%
<i>Still under consideration</i>		
From 2007	819	63%
<i>Opposition filed against (allowable oppositions)</i>		
Benelux law	1.143	88%
International law	158	12%
<i>Preferred language (allowable oppositions)</i>		
Dutch	982	75%
French	297	23%
Use of English	401	31%

Designs

Benelux filings

	2008	2007	2006	2005	2004	2003
	844	1.036	1.105	1.086	1.479	1.955

Breakdown of Benelux filings by national office

	2008	2007	2006	2005	2004	2003
Belgium	100	159	153	125	208	351
Luxembourg	0	1	2	6	10	9
Netherlands	743	867	950	955	1.261	1.595

Number of designs published

	2008	2007	2006	2005	2004	2003
	776	894	1.010	1.238	2.013	2.074

Requests for renewal

	2008	2007	2006	2005	2004	2003
	1.304	1.875	1.869	1.930	1.755	1.700

i-DEPOT

i-DEPOT envelopes

	2008	2007	2006	2005	2004
Sold	958	1.883	1.040	746	627
Returned	799	1.423	742	498	470

Breakdown of i-DEPOT envelopes by country

	2008	2007	2006	2005	2004
Belgium	436	646	409	343	302
Luxembourg	13	35	26	13	9
Netherlands	347	599	296	133	156
Other	4	60	11	9	3
Total	800	1.340	742	498	470

Online I-DEPOTs*

	2008	2007
Belgium	850	50
Netherlands	1.270	85
Luxembourg	41	1
Other	19	60
Total	2.180	136

* launched mid-November 2007

Working together towards innovation, with...



Flanders InShape is a collaboration among Industrie Vlaanderen, service providers, universities of applied science and specialist centres of expertise. Flanders InShape has been working with BOIP for over two years now.

Maka De Lameillieure, *General director of the Flanders competency pool for product development and industrial design, Flanders InShape.*

Flanders InShape was founded in 2006, with the purpose of promoting product development and industrial design as much as possible. The organisation has its registered offices in Kortrijk – the biggest design city in Flanders, according to director Maka De Lameillieure. It is a fact that many small industrial companies are located in western Flanders. Flanders InShape has a research budget and provides advice to small businesses in various sectors, including metalworkers, furniture makers, and plastic/textiles workers.

De Lameillieure: 'Since our inception in 2006, we have created an environment for efficient and systematic product development. We are not only concerned with technological innovation, but also with sustainable creation in particular. We want to change company cultures – SMEs need to cater more to what customers want.'

'We made contact with the BOIP ourselves', explains De Lameillieure. 'We find the partnership very important. Our designers have an advantage over the competition if they protect their trademarks and designs. It's possible to generate added value from a trademark. The more products there are on the market, the more important it is to have a good-quality trademark.'

Whenever De Lameillieure organises an event on the protection of intellectual property, she often calls in the BOIP, which makes for very animated discussions. 'Businesspeople have lots of questions. How do I put a product on the market? How should I communicate with customers? When should I protect my invention, and how? The BOIP has answers to these questions.' According to the director, such a good-quality partnership leads to further innovation, and so she finds contact with The Hague 'very valuable'.

'We are not only concerned with technological innovation, but also with sustainable creation in particular.'

'Many ideas are already being documented', De Lameillieure explains. 'The i-DEPOT is very popular. People trust the system. It's simple – that's important. An i-DEPOT doesn't require a lot of paperwork, and is very customer-oriented.' Plenty of trademarks are also being registered. Designs pose more of a problem, says De Lameillieure. 'They give us more trouble because existing designs are not as easy to look up as existing trademark names. I'm hoping for a solution – I'll be glad if that becomes just as simple!'



7 Information and data

Management Board

The Benelux Office for Intellectual Property (BOIP) is part of the Benelux Organisation for Intellectual Property (BORGIP), an international organisation that is supervised by its Management Board. This Board is staffed by representatives of all three Benelux countries (one director and two deputy directors for each country). The chair(wo)man is chosen from the ranks of the directors and is elected for a period of three years. The working languages used by the Management Board are French and Dutch. The decisions of the Management Board are made unanimously.

Chairman

Guus Broesterhuizen

Director

Netherlands Patent Office (NL)

Directors

Robert Geurts

Director General

Federal Economics Service

Small and Medium-sized Businesses and Energy

Market Regularisation and Organisation Board

Intellectual Property Unit (B)

Lex Kaufhold

Board advisor 1st degree

Intellectual Property Directorate

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

Deputy Directors

Monique Petit

Attaché

Federal Economics Service

Small and Medium-sized Businesses and Energy

Market Regularisation and Organisation Board

Intellectual Property Unit (B)

Gunther Aelbrecht

Attaché

Federal Economics Service

Small and Medium-sized Businesses and Energy

Market Regularisation and Organisation Board

Intellectual Property Unit (B)

Claude Sahl

Head of the Legislation Sector

Intellectual Property Directorate

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

Paul van Beukering

Advisor on Industrial Property

Director of Innovation

Directorate General for Enterprise and Innovation

Ministry of Economic Affairs (NL)

Derk-Jan de Groot

Manager Patent Application Department

Netherlands Patent Office (NL)

Subbodies of the Management Board

The Management Board is supported by the Supervisory Board, COPERA and COREMO. COPERA is the Management Board's consultation committee for personnel matters. Its members are representatives of the Management Board, the personnel committee and the management. COREMO advises the Management Board on the BOIP's tasks and objectives as laid down by the Benelux Convention on Intellectual Property. COREMO is composed of representatives of the BOIP and the national offices.

Supervisory Board

Chairman

Hans van der Valk

Head of Management and Deputy Director
Financial and Economic Affairs Department
Ministry of Economic Affairs (NL)

Pierre Thielen

Attaché
Observatoire de la Compétitivité
Direction Générale des Etudes Economiques
Ministère de l'Economie et du Commerce Extérieur (L)

Edward Bruyère

Attaché
Federal Economics Service
Small and Medium-sized Businesses and Energy
Budget and Management Control (B)

COPERA

Chairwoman

Monique Petit

Attaché

Federal Economics Service

Small and Medium-sized Businesses and Energy

Market Regularisation and Organisation Board (B)

Derk-Jan de Groot

Manager Patent Application Department

Netherlands Patent Office (NL)

Lex Kaufhold

Board advisor 1st degree

Intellectual Property Directorate

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

COREMO

Chairman

Claude Sahl

Head of the Legislation Sector

Intellectual Property Directorate

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

Monique Petit

Attaché

Federal Economics Service

Small and Medium-sized Businesses and Energy

Market Regularisation and Organisation Board

Intellectual Property Unit (B)

Paul van Beukering

Advisor on Industrial Property

Director of Innovation

Directorate General for Enterprise and Innovation

Ministry of Economic Affairs (NL)

Loes van Ruiven-van Zijdam

Legal advisor

Netherlands Patent Office (NL)

Directors

The day-to-day running of the Benelux Office for Intellectual Property, the most visible organ of the Benelux organisation, is in the hands of the Directors' Committee. The members of this Committee play an advisory role in the meetings of the Management Board that they attend. Between them, the directors represent all three nationalities. They are supported by the management team.

Edmond Simon

Director General (L)

Dick Verschure

Deputy Director General

General Affairs (NL)

Hugues Derème

Deputy Director General

Registration and Legal Affairs (B)

National offices

Federal Economics Service
Small and Medium-sized Businesses and Energy
Intellectual Property Unit
North Gate III - Koning Albert II Laan 16
B-1000 Brussels
Belgium

Tel. + 32 2 277 52 97

Fax + 32 2 277 52 77

economie.fgov.be

Ministère de l'Economie et du Commerce Extérieur
Direction de la Propriété Intellectuelle
Boulevard Royal 19-21
2449 Luxembourg
Grand Duchy of Luxembourg

Tel. +352 478 41 87

Fax +352 22 26 60

www.eco.public.lu

Working together towards innovation, with...



Most referrals from Luxembourg come to the BOIP through the local Chamber of Commerce. In late April 2008, 'Worldwide Intellectual Property Day' was held in Luxembourg, where the BOIP and entrepreneurs from Luxembourg had the opportunity to meet.

Paul Emering, *secretary-general of the Luxembourg Chamber of Commerce*

The Luxembourg Chamber of Commerce has around 40,000 members, and deals primarily with legal issues. The Chamber also maintains regular contact with the minister of Economic Affairs in Luxembourg, as well as other ministries.

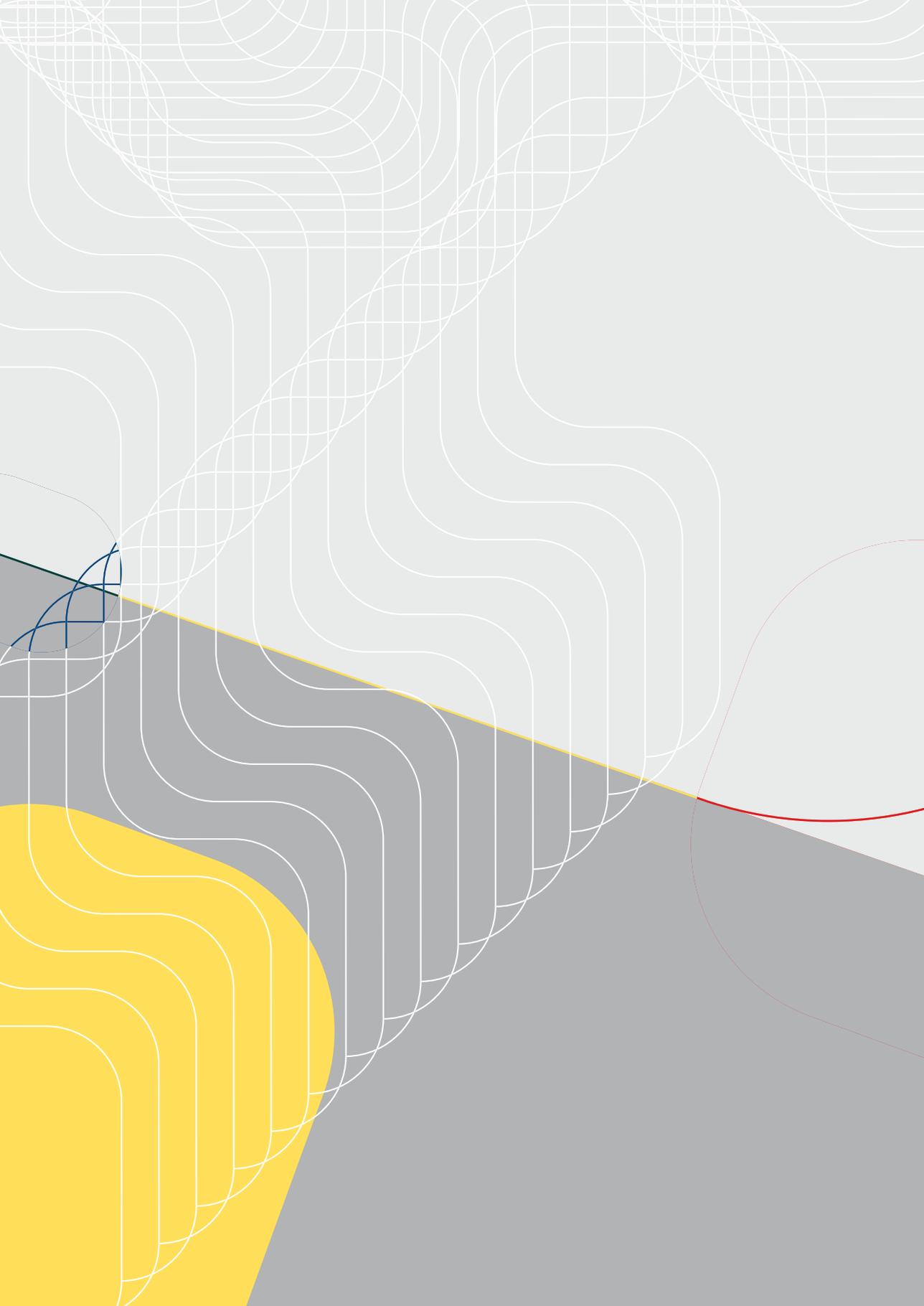
The Chamber of Commerce is not directly responsible for innovation – that is the domain of the Luxinnovation organisation, which, on behalf of the government, the Chamber and the industry, tries to provide the best possible boost to businesses. ‘And with success’, Emering believes. ‘I think that increasing numbers of businesses are more aware than ever of the importance of innovation. These are interesting times in which many new things are happening, especially in the fields of eco-technology and IT.’

In terms of intellectual property, Emering has seen a marked increase in the number of registrations. ‘The number of trademarks being registered is increasing, as businesspeople are becoming aware that it offers many opportunities,’ says Emering. The increase can definitely be attributed to the wide recognition of agencies such as Luxinnovation and the BOIP. ‘You need to keep repeating the message’, Emering believes, ‘and continue to educate entrepreneurs.’ The magazine published by the BOIP in autumn 2008 represents another means of achieving this objective. According to Emering,

the magazine is informative and easily accessible to businesses.

The political climate in Luxembourg is also changing – innovation is becoming a major focus. A law was recently passed that links tax advantages to innovation in the Grand Duchy. Income generated by intellectual property is hardly taxed at all – entrepreneurs are granted a tax-free threshold of 80 per cent for income of this type. ‘That’s a good thing.’

‘The BOIP knows how to explain the procedure quickly and simply. We support them in their efforts to reach our entrepreneurs.’



Terms and definitions

Benelux Office for Intellectual Property (BOIP)

The Benelux Office for Intellectual Property (BOIP) is the official institution in the Benelux region for the registration of trademarks and designs. In addition, the BOIP can record the creation date for ideas. The BOIP is the executive body of the Benelux Organisation for Intellectual Property (BORGIP). The BORGIP became the legal successor to the Benelux Trademarks Office and the Benelux Designs Office in September 2006.

Benelux Organisation for Intellectual Property (BORGIP)

The BOIP is part of the Benelux Organisation for Intellectual Property (BORGIP), an organisation with an international legal personality. Other organs of the BORGIP are the Committee of (Benelux) Ministers and the Management Board, which is comprised of representatives of the Benelux countries.

Benelux Court of Justice

The Benelux Court of Justice is an international court comprising magistrates from the highest courts in the Benelux territory. Its primary task is to promote uniformity in the application of legislation that is common to all Benelux countries and which covers a wide range of fields, including intellectual property.

Benelux Association for Trademark and Design Law (BMM)

The Benelux Association for Trademark and Design Law is a professional association of legal specialists. Its members are all active in patent/trademark offices, patent/trademark departments of large companies, the legal profession, universities and other educational institutions. The association promotes and ensures quality in the professional practice of its members.

Benelux Organisation for Intellectual Property (BORGIP)

The BOIP is part of the Benelux Organisation for Intellectual Property (BORGIP), an organisation with an international legal personality. Other BORGIP bodies include the Committee of (Benelux) Ministers and the Management Board, which is comprised of representatives of the Benelux countries.

Benelux Convention on Intellectual Property (BCIP)

The Benelux Convention on Intellectual Property came into force on 1 September 2006. The Convention replaces previous conventions and treaties, uniform laws and amendment protocols relating to Benelux trademarks, drawings and designs.

COPERA

COPERA is the BOIP Management Board's consultation committee for personnel matters. Its members are representatives of the Management Board, the personnel committee and the management.

COREMO

COREMO advises the Management Board on the BOIP's tasks and objectives as prescribed by the Benelux Convention on Intellectual Property. COREMO is composed of representatives of the BOIP and the national offices.

Federal Economics Service

The Federal Economics Service Small and Medium-sized Businesses and Energy is a Belgian federal government agency that succeeded the Ministry of Economic Affairs. Its main task is to develop an effective Belgian economic policy by promoting the competitiveness of Belgian companies, by ensuring that a fair socio-economic equilibrium is maintained, by ensuring that the goods and services market conducts itself correctly, and by protecting the rights of consumers.

Netherlands Patent Office

Netherlands Patent Office, formerly known as De Octrooiraad, is an agency of the Dutch Ministry of Economic Affairs. The Netherlands Patent Office is an administrative law body of Dutch central government that is charged with the granting of patents.

SME

Small and medium-sized enterprises.

TM View

TM View is a European project consisting of a web application that provides automatic access to all trademarks valid within the European Union from national, community and international registers. During the first stage it will be possible to search for trademarks from the Benelux territory, the OHIM and WIPO using a harmonised interface.

Unizo

Flemish Organisation for the Self-Employed and SMEs (Flanders province, Belgium): defends, represents and promotes the interests of the self-employed, traders, SME company heads and of persons practising professions.

VLAO

The VLAO-Flanders Enterprise Agency is the Flemish government's information centre for businesses.

WIPO

WIPO, the World Intellectual Property Organization, is an international organisation dedicated to the protection of intellectual monopolies. WIPO is a specialist organisation of the United Nations. WIPO has 177 member states and administers 21 international treaties and conventions. Its headquarters are located in Geneva, Switzerland.

Annual Report 2008

Publication

Benelux Office for Intellectual Property (BOIP)
Bordewijklaan 15
NL-2591 XR The Hague
The Netherlands

T +31 70 349 11 11
F +31 70 347 57 08
E info@boip.int
I www.boip.int

Final Editing

Chapeau Communicatie, Rijswijk

Design

Ontwerpwerk, The Hague

Rapport annuel 2008, version française

Ce rapport annuel est également disponible en langue française sur le site de l'Office Benelux de la Propriété intellectuelle www.boip.int

Jaarverslag 2008, Nederlandse versie

Het jaarverslag is ook in het Nederlands beschikbaar, op de website van het Benelux Bureau voor Intellectuele Eigendom: www.boip.int.



Benelux Office
for Intellectual Property

Postal Address
P.O. Box 90404
NL-2509 LK The Hague

Address
Bordewijklaan 15
NL-2591 XR The Hague

T + 31 70 349 11 11
F + 31 70 347 57 08
info@boip.int
www.boip.int