APPEALS AND SUCCESS RATES

IN BOIP OPPOSITION & CANCELLATION DECISIONS

An analysis of seven years' data



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Since 1 June 2018, it has been possible to appeal BOIP opposition and cancellation decisions to the Benelux Court of Justice (BCJ).

VOLUME OF DECISIONS

1131 in total:

906 oppositions

225 cancellations

avg. 13/month

SUCCESS RATES ARE RELATIVELY HIGH

70%

Oppositions (partially) awarded

76%

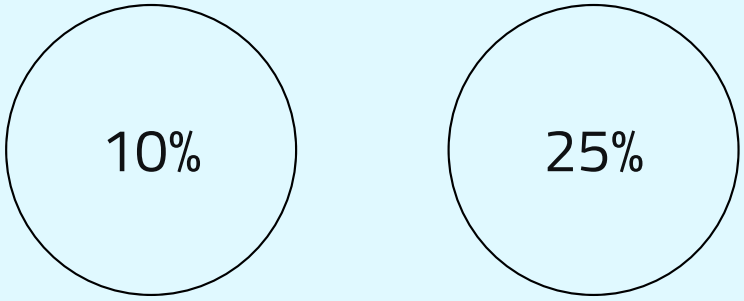
Cancellations (partially) awarded

CONTINUE TO: VOLUME OF APPEALS

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VOLUME OF APPEALS

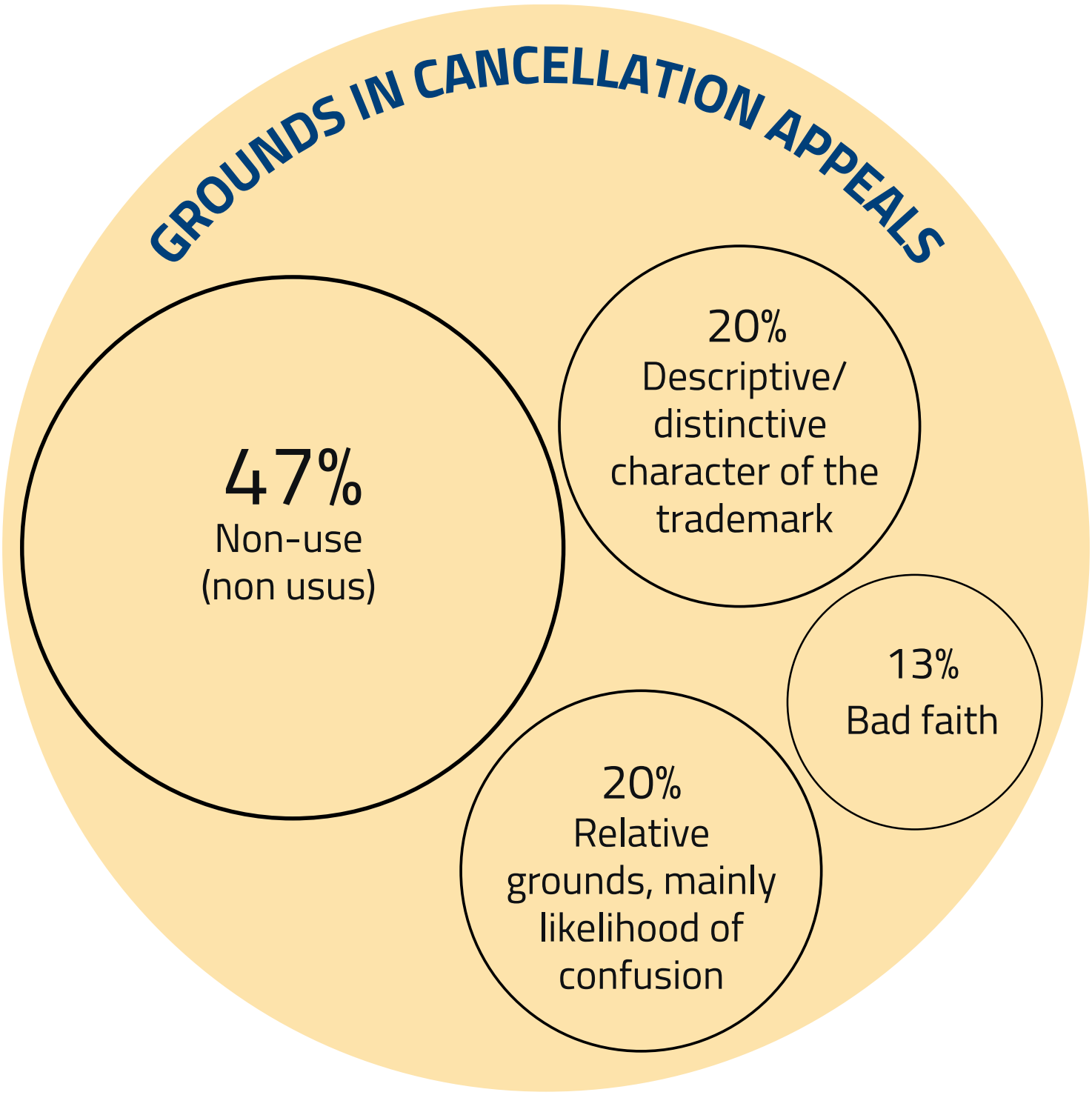


Opposition decisions appealed

Cancellation decisions appealed

As BOIP is not a party to appeal proceedings, the exact reasons for the higher appeal rate in cancellation cases remain unknown. It may, however, be attributable to the greater interest trademark owners have in safeguarding an existing registration, as opposed to defending a pending application.

CONTINUE TO: GROUNDS IN CANCELLATION APPEALS



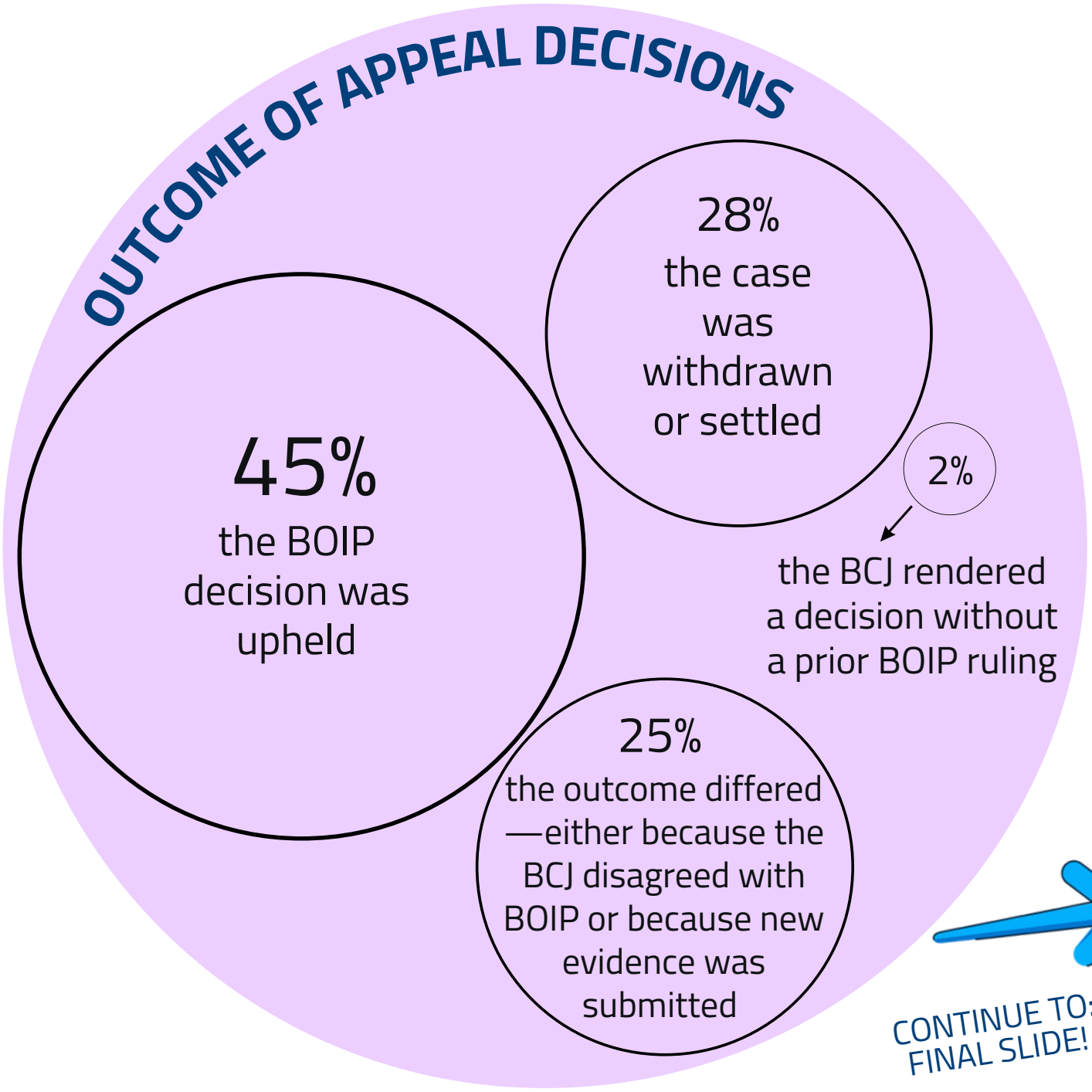
The relatively high proportion of appeals concerning non-use may be explained by the fact that the appeal stage allows parties to submit additional or stronger evidence of use — effectively offering a second chance to retain the trademark registration.

CONTINUE TO: VOLUME AND OUTCOME OF APPEAL DECISIONS

VOLUME OF APPEAL DECISIONS

Since 1 June 2018, the Benelux Court of Justice has rendered 110 decisions in appeal.

BOIP systematically analyses the outcomes of appeal proceedings. These analyses provide valuable insights that contribute to the continuous improvement of our quality of service.



CONTINUE TO: FINAL SLIDE!

It is encouraging to note that many cases reach a settlement and that a significant proportion of BOIP decisions are upheld on appeal. At the same time, the appeal process may lead to a different outcome, as it provides an opportunity to submit additional evidence.

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