

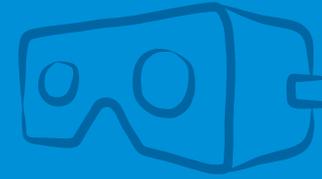
BOIP



Benelux Office for
**Intellectual
Property**



www.boip.int



Copyright
Intellectual Patents
Property Trademarks
Designs **i-DEPOT**

Intellectual Property Checklist

Identify your intellectual property quickly and easily

Find out quickly which rights can protect your work

Get tips on how to register or protect your work



Intellectual Property Checklist

Do you have a new business, product or idea? If so, **intellectual property** is definitely relevant to you.

This checklist contains **lots of information** about different types of intellectual property. Answer the questions and find out which rights apply to you.

The Benelux Office for Intellectual Property (BOIP) is the official body for trademarks and designs registration in the Benelux. BOIP can also record the existence of an idea on a given date in an i-DEPOT.

This is an **interactive PDF**. You can **click** on underlined words in the text to access additional information or registration options.

Use the **fields and checkboxes** to identify your situation. You don't have to complete the checklist in one go: you can always **save or print** the PDF containing your entries at anytime, and pick up where you left off when it's convenient for you.

What's your situation?

I have a company... >

I have a good idea, concept, format, business model, marketing plan, etc. ... >

I have created a written, sung, visual, digital work, etc. ... >

I have developed a product... >

I have devised a (technical) invention... >



I have a company...

The trade name is the name your company uses to do business. You acquire the **right to a trade name** by being the first to use it in business. Registering your trade name in the Trade Register alone **doesn't automatically** give you the right to that name.

1. What is your planned trade name?

Enter the options here.



Trade name

2. Is your trade name distinctive?

Check your trade name using the Chamber of Commerce's [step-by-step approach](#).



3. Found a good trade name?

If so, now think about your **trademark!**

Do you use your trade name to advertise your product or service, as a web address, as a logo or on social media?



If you answer **YES** to one or more of these questions, then your trade name is also a trademark!



The trademark check...

A **trademark** is a company name, the name of a product or service, a logo, an invented name or the image that you use **to distinguish** your products or services from those of your competitors. You only have the right to a trademark if you **register** it.

1. Which trade names, product names, slogans and logos do you use?

Enter them here.

The trademark application procedure can be tricky. It may be prudent to seek the advice of an IP professional, for example a member of the **Benelux Association for Trademark and Design Law (BMM)**. BOIP is an independent, official body. As such, its staff are not authorised to advise on protecting intellectual property.



Trademarks

2. Are they distinctive?
Read more about it on the [BOIP](#) website.

3. In which countries do you do business?

- Benelux
- Europe
- Specific countries

4. Is your trademark still available? Check here:



5. Register your trademark(s) online in the Benelux.
You can do this through [BOIP](#) or through an IP professional.

Register your trademark(s) outside the Benelux.
You can do this in **various ways** or with the help of an IP professional.

6. Is your trademark registered?

If so, then it's time to start using it!

Place the **®-symbol** after the trademarks you've registered.

Use your trademark **whenever you can** (social media, car, website, etc.)



*All European trademarks are, of course, also valid in the Benelux and can therefore also be found in this register.



I have a good idea, concept, format, business model, marketing plan, etc. ...

As soon as you devise something, you **automatically acquire** copyright to it. You don't have to register it. The person who has the copyright has the exclusive right to publish and reproduce the work.

But **how do you prove** that you hold the copyright to your work (concept, format, business model, marketing plan, etc.)?

The i-DEPOT assigns a date stamp to your idea

This provides you with proof which you can use at any time to prove when you devised your idea.

- An i-DEPOT can contain anything
- An i-DEPOT can be set up in a few minutes and costs 36 euro.
- BOIP keeps the contents of an i-DEPOT strictly confidential.
- You can choose to **make your i-DEPOT public** in whole or in part.



Copyright

1. Do you need proof that you are the author/creator?

Set up an **i-DEPOT** at the BOIP.

2. Let people know it's your idea.

Place **the © symbol**, the year of initial publication and the author's name on all copyright protected works (e.g. webpages, brochures, adverts, photos, software, manuals, etc.).

3. Make obligations explicit.

Enter into (contractual) agreements with third parties regarding the use of copyright protected works.

Also enter into specific, contractual agreements with (temporary) employees regarding the development of copyright protected works.

4. Keep a record of what has been agreed.

Keep a record of any agreements you've made concerning the use of copyright-protected works, e.g. e-mails, minutes.



I have created a written, sung, visual, digital work, etc. ...



Auteursrecht

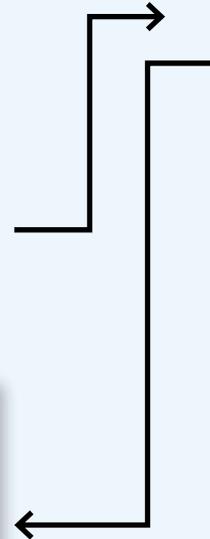
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I have developed a product...

You can register the **outward appearance** of your products as a drawing or design. It is called a drawing if the design to be protected is **two-dimensional** (for example the pattern or design on wallpaper, textiles or crockery) and called a design if it is **three-dimensional** (for example the design of household appliances, furniture, bathroom fittings, toys, etc.).

How do you register a drawing or design?

The design registration procedure can be tricky. It may be prudent to seek the advice of an IP professional, for example a member of the **Benelux Association for Trademark and Design Law (BMM)**. BOIP is an independent, official body. As such, its staff are not authorised to advise on protecting intellectual property.



Designs

1. **Is your design still available?**
Check in the [Designs Register](#).
2. **Is your design new and was it disclosed less than a year ago?**
If so, go to the next question.
3. **Register your design.**
You can do this through [BOIP](#) or through an IP professional.
4. **Place the registration number on your product.**
Use the ©-symbol and registration number on the products that you've registered. Note your registration number here.

I have a (technical) invention...



Patent

A patent gives you exclusive rights to an invention for a specific period of time.

A patent must meet three conditions. It must be:

- novel
- inventive
- industrially applicable

Check whether it is worth your while applying for a patent.



1. **Have you not yet disclosed your invention?**

If so, go to the next question.



2. **Is your idea available somewhere?**

Check whether your invention is new by looking in shops, on the internet and in the [Espacenet](#) patent database.



3. **A patent costs a lot of money.**

Specify how the patent would generate income for you.

Exclusivity

Licensing

Selling the patent

Collaboration with others

Others, please specify...



Find more [tips](#) here and quantify the costs and benefits.

> **Continue**



Patent

It is advisable to have your application drawn up by a patent attorney.

A patent attorney specializes in patent law and is trained in technical and legal matters. You can search for a patent attorney in the [Register of Patent Attorneys](#).

4. **Identify the best time to apply for a patent.**

If you haven't yet demonstrated that your invention works, it's too early. If it's already in the public domain or other people have already applied for a patent, it's too late. Note down the best time to apply for a patent for your invention:

5. **Are you confident that your invention is patentable?**

If so, prepare your patent application. Your invention will be protected and you may disclose it from the date on which you file your patent application.



Intellectual Property

Intellectual property comes into play whenever you devise, design or develop something. If you have a company, it's important to protect your intellectual property. We believe that using intellectual property strategically is crucial to the success of a business.

About BOIP

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T +31 70 349 12 42 (Netherlands) /
078 052 242 (Belgium) /
8002 5383 (Luxembourg)

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LI Benelux Office for Intellectual Property (BOIP)

More information

Trade name

[Chamber of Commerce](#)

Trademarks

[Benelux Office for Intellectual Property \(BOIP\)](#)

[IP professionals](#)

Copyright

[Auteursrecht.nl](http://auteursrecht.nl) for general information

[Stichting Pictoright](#) for visual creators

[Buma/Stemra](#) for composers

Drawings or designs

[Benelux Office for Intellectual Property \(BOIP\)](#)

[IP professionals](#)

Patents

[Netherlands Enterprise Agency](#)