BOIP

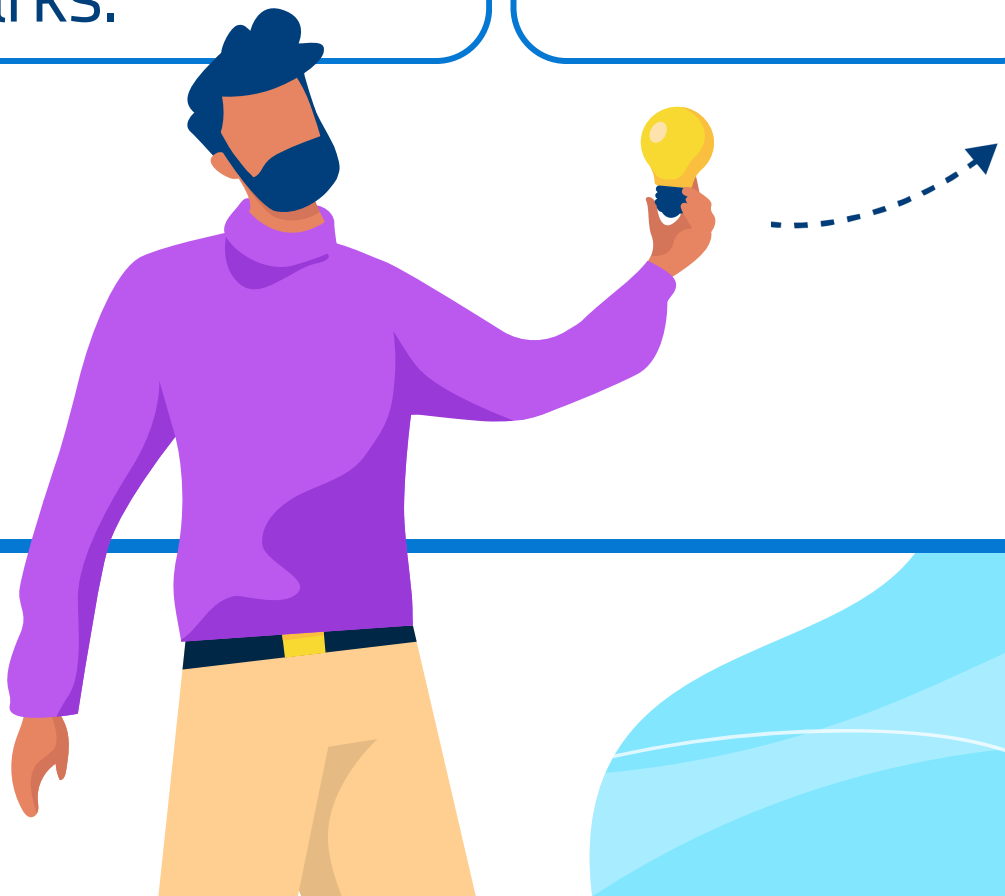
Benelux Office for Intellectual Property

SIX YEARS OF THE BOIP CANCELLATION PROCEDURE

What is the state of affairs?

In 2018, BOIP introduced the cancellation procedure to provide an additional route for challenging the validity of trademarks.

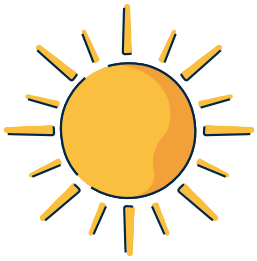
Here's our outlook and figures.



The BOIP cancellation procedure

In principle, there is **no time limit** to file a cancellation action against a trademark.





Simplified procedure
In principle, only one round for exchanging arguments and no hearing. Counterclaims are not allowed.

In general, the **costs are lower** than those of court proceedings.





Grounds for challenge
Possibility to invoke several grounds in one procedure. The grounds that can be invoked are limited, but broader than those in opposition procedure.



Decisions in 6 to 12 months. In general, **faster** than traditional court proceedings in which trademark can be cancelled.



Transparency
All decisions are published.

Statistics and trends

Trademark cancellation applications: around 130 per year

Revocation (54,2%)
Approx.
65 per year

- Non-use
- Generic term, by use

- Conflict with prior rights
- Trademarks filed by agents

Relative grounds (48,5%)
Approx.
40 per year

Absolute grounds (35,6%)
Approx.
25 per year

- Lack of distinctive and/or descriptive character
- Bad faith

**Total greater than 100% due to proceedings in which several grounds for cancellation were invoked.*

Outlook for BOIP

Procedural guidelines
We are working on the guidelines for the cancellation procedure.





International collaboration
We keep abreast of international developments, for example through joint communications such as CP13.



Increased digitization
We are working to align communication, in particular online filing and communication via MyBOIP messagebox.

Find out more - Details and resources

- BCIP and IR
- Website: Cancellation | (boip.int)

BOIP Benelux Office for Intellectual Property