

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

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Benelux Office
for Intellectual Property

Intellectual Property Checklist

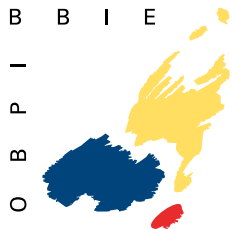
Do you have a new business, product or idea? If so, you'll always come into contact with **intellectual property**.

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

The Benelux Office for Intellectual Property (BOIP) is the official office for the registration of trademarks, designs and drawings in the Benelux.

This is an **interactive PDF**. Words which are underlined in the text are **clickable** and refer you to 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** with your entries, and then come back to it when it's convenient to you.



What's your situation?

I have a company... >

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

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

I have developed a product... >

I have a (technical) invention... >

I have a company...

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

1. What will your trade name be?

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 plan](#).

3. Found a good trade name?

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, a fantasy name or the image that you use **to distinguish** your products or services from your competitors.

Only **registration** gives you the right to a trademark.

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

Enter them here.

The trademark application procedure can be complex. It may be prudent to seek the advice of a trademark advisor who is a member of [the Benelux Association of Trademarks and Design Law \(BMM\)](#). He or she will tell you everything you need to know about registering your trademark



Trademark right

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

3. In which countries are you active?

- Benelux
- Europe
- Specific countries

4. Is your trademark still available? Check in the:

[Benelux Trademarks Register](#) [European Trademarks Register](#) [TMview](#)

5. Register your trademark(s) online in the Benelux. Register your trademark(s) outside the Benelux.

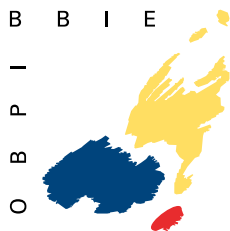
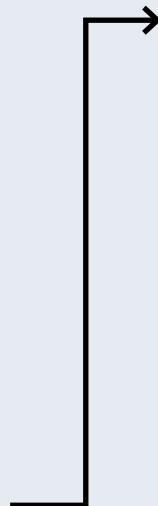
You can do this through the [BOIP](#) or through a trademark advisor You can do this in [various ways](#) or with the help of a trademark advisor.

6. Is your trademark registered?

Then you can use it straight away!

Use the **® symbol** for 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 be found in this register.

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



Copyright

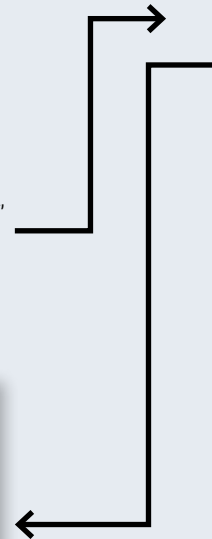
Copyright **is obtained automatically** whenever you make something. You don't have to register it. Anyone who has copyright has an exclusive right to publish and reproduce the work.

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

The i-DEPOT gives your idea a date stamp

This gives you evidence which you can use at any time to prove when you had your idea.

- An i-DEPOT can contain anything.
- An i-DEPOT can be set up in a few minutes and costs 35 Euros.
- The BOIP treats the contents of an i-DEPOT as strictly confidential.



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

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

2. Let people know it's your idea.

Enter the **@ symbol**, the year of first publication and the creator on all copyright protected works (e.g. webpages, brochures, adverts, photos, software, manuals, etc.).

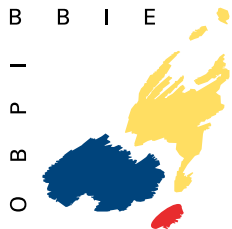
3. Make clear agreements.

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

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

4. Keep your agreements up to date.

Keep any agreements you've made concerning the use of copyright protected works up to date, e.g. through emails, meeting reports.



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

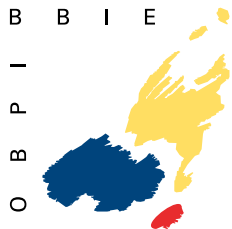
Copyright **is obtained automatically** whenever you make something. You don't have to register it. Anyone who has copyright has an exclusive right to publish and reproduce the work.

But **how do you prove** that you have copyright over your work (song text, photo, visuals, music, ad campaign, painting, etc.) ?

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I have developed a product...

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

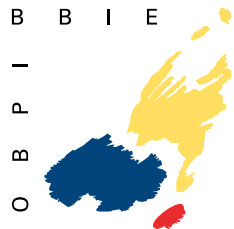
How do you register a drawing or design?

The design registration procedure can be complex. It may be prudent to seek the advice of a design advisor who is a member of the **Benelux Association of Trademarks and Design Law (BMM)**. He or she will tell you everything you need to know about registering your design.



Design right

1. **Is your design still available?**
Check in the **Design 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 the **BOIP** or through a design advisor.
4. **Use the registration number on your product.**
Use the @symbol and the registration number on the products that you've registered. Note your registration number here.



I have a (technical) invention...

A patent gives you exclusive rights to an invention for a specific period of time. A patent must fulfil three conditions: it must be

- novel
- inventive
- industrially applicable

Check whether it is sensible to apply for a patent.



Patent



1. Have you not yet disclosed your invention?

If so, go to the next question.

2. Has my idea already been thought of?

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

3. A patent costs a lot of money. Specify how the patent would generate income for you.

Exclusivity

Licences

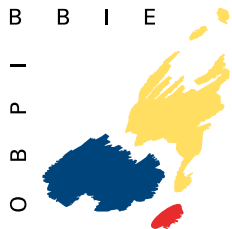
Sell patent

Collaboration

Other, please specify..

Look here for [tips](#) too and quantify the costs and benefits.

> Continue



Patent

You are recommended to have your application drawn up by a patent attorney.

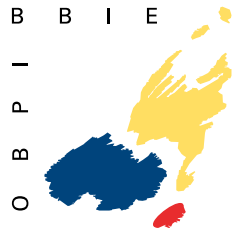
A patent attorney specialises in patent law and is trained in technical and legal matters. You can search for a patent attorney in the [Register of Patent Attorneys](#).

4. **Decide on 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 for it, it's too late. Note the best time to apply for a patent for your invention:

5. **Do you have confidence in the feasibility of your invention?**

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



Intellectual property

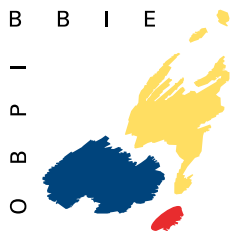
Intellectual property comes into play whenever you conceive, design or develop something. If you have a company, it's important to protect your intellectual property. We believe that the strategic deployment of intellectual property is crucial to the success of a business.

About BOIP

The Benelux Office for Intellectual Property (BOIP) is the official office for the registration of trademarks, designs and drawings in the Benelux.

It also offers the possibility to formally record the existence of ideas, concepts, designs, prototypes, etc. in the form of the i-DEPOT.

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W www.boip.int
TW @BOIPnews
FB BBIE Benelux-Bureau voor de intellectuele Eigendom
LI Benelux Office for Intellectual Property (BOIP)



Benelux Office
for Intellectual Property

More information

Trade name

[Chamber of Commerce](#)

Merk

[Benelux Office for Intellectual Property](#)

[Trademark Advisors](#)

Copyright

[Auteursrecht.nl](#) for general information

[Stichting Pictoright](#) for visual creators

[Buma/Stemra](#) for music authors

Drawing or design

[Benelux Office for Intellectual Property](#)

[Design advisors](#)

Patent

[Netherlands Enterprise Agency \(RVO\)](#)