Benelux (BX)

Trademark Law

Belgium, The Netherlands, and Luxembourg are treated as one common area with a uniform trademark law and one trademark office. Since the adoption of the Benelux Trademarks Act in 1971, there are no national trademark laws in any of the Benelux countries anymore.
Legal basis is the Benelux Treaty for Intellectual Property (trademarks and designs) which replaced the Benelux Trademarks Act on September 1, 2006. Trademark protection is created by registration.
The Benelux countries are members of the Madrid Agreement, of the Madrid Protocol and of the European Union.

Classification

Nice classification, 12th edition

What is Registrable as a Trademark

A trademark may consist of any signs, in particular words, including personal names, or designs, letters, numerals, colours, the shape of goods or of the packaging of goods, three-dimensional forms, sounds, holograms, movement marks, position marks, pattern, multi-media provided that such signs are capable of:

a. distinguishing the goods or services of one undertaking from those of other undertakings; and
b. being represented on the register in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to its proprietor.

The following trademark types are registrable: trademarks, service marks, collective marks and (as of March 1, 2019) certification marks.

Registration Proceedings

The application is filed at the Benelux Office for Intellectual Property (BOIP) in The Hague.
Multiple-class applications are possible.
Foreign applicants do not need a local trademark attorney as long as they have an address for service in a member state of the European Union (EU) or the European Economic Area (EEA).
There is no requirement for a power of attorney anymore.
Foreign applicants do not need a domestic registration.
There is only examination on absolute grounds; the official search has been abandoned. Signs not deemed distinctive in the examination can be registered if distinctiveness has been acquired by use in all three Benelux countries (Belgium, the Netherlands, and Luxembourg).
After the examination on formalities and absolute grounds, the application is published in the online Benelux Bulletin for opposition purposes. The whole procedure takes between 3 and 4 months if there are no complications. There also exists an expedited registration procedure. In this case, the mark is registered and published after the formalities check. The mark could in this case still be refused on absolute grounds or due to a successful opposition.

Opposition Period

The opposition period is 2 months from the date of publication of trademark application.

Trademark Duration

A trademark registration is valid for 10 years from the application date and is renewable for the same period.

Trademark Application Fees

The official fee for filing a trademark application is EUR 244 for the first class, EUR 27 extra for the second class and EUR 81 for each additional class.

Latest update

Jan 15, 2024
Landmark Trademark Protection, Amersfoort, Netherlands