



# Intellectual Property Office **Annual report 2021**



FPS Economy, S.M.E.s, Self-employed and Energy

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## Content

Foreword.....	5
1. The Intellectual Property Office at a glance.....	6
IPObel Organisation chart on 31 December 2021.....	7
2. Highlights of 2021 .....	8
2.1. Patents and supplementary protection certificates .....	8
2.1.1. Belgian patents.....	8
2.1.2. European and international patent applications (PCT).....	10
2.1.3. Supplementary protection certificates (SPC).....	12
2.1.4. Institute of Patent Attorneys.....	13
2.1.5. Plant variety right certificates.....	14
2.1.6. Electronic Online Filing (eOLF).....	15
2.1.7. Registration section's activities .....	16
2.1.8. Finances of the Intellectual Property Office.....	18
2.2. Rights concerning trademarks, models and designs.....	20
2.2.1. Origin of the Benelux trademark applications.....	20
2.2.2. i-DEPOT e-filings per country of application.....	21
2.3. Copyright and related rights.....	21
2.3.1. Transposition of European directives .....	21
2.3.2. Legislation in support of authors and artists during the COVID-19 pandemic.....	22
2.4. Subjects concerning IP in general .....	22
2.4.1. Regulated intellectual property rights of Federal Public Service agents .....	22
2.4.2. Enforcement of intellectual property rights: Interministerial Commission for the Fight against Counterfeiting and Piracy.....	22
2.5. Communication and awareness.....	23
2.5.1. Consultation meeting with patent attorneys on the application of Belgian patent law .....	23
2.5.2. Common synergies with our partners (regions, BOIP, EPO, EUIPO).....	23
2.5.3. Awareness campaign for accountants and tax advisors.....	24
2.5.4. IPObel website .....	25
2.5.5. Patent searches .....	26
2.5.6. Customer Services.....	27
2.5.7. For certified copies.....	28
2.5.8. Events .....	29
3. Collaboration with EPO and EUIPO .....	31
3.1. EPO.....	31
3.2. EUIPO .....	31
4. How to contact us .....	32
List of abbreviations .....	33

## List of charts

Chart 1. Belgian patent applications .....	8
Chart 2. Granted Belgian patents.....	9
Chart 3. Belgian patents vs. patent applications .....	9
Chart 4. Total number of European patent applications filed with the EPO.....	10
Chart 5. European patent applications designating Belgium, filed with the EPO by Belgian applicants .....	11
Chart 6. Granted European patents (EP) and granted European patents designating Belgium ....	11
Chart 7. Residence of applicants of European Patents (BE and non-BE).....	12
Chart 8. Applications for a Belgian supplementary protection certificate (SPC).....	12
Chart 9. Granted Belgian supplementary protection certificates (SPC) .....	13
Chart 10. Electronic filing (eOLF) vs. paper applications of Belgian patents .....	15
Chart 11. Electronic filing (eOLF) vs. paper applications for Belgian SPCs .....	15
Chart 12. Origin of the Benelux-trademark applications 2021 .....	20
Chart 13. i-DEPOT e-filings per country of application 2021 .....	21
Chart 14. FPS Economy website - number of visitors per IP topic PI in 2021 .....	25
Chart 15. Searches in Epoque (2021) per type.....	27
Chart 16. Types of participants of the Intellectual Property Office's consultation days .....	30

## List of tables

Table 1. Staff figures of the Intellectual Property Office.....	8
Table 2. Geographical distribution of Belgian patent applications across the provinces and regions .....	10
Table 3. Applications for extensions of supplementary protection certificates (SPCs) for medicinal products for paediatric use .....	13
Table 4. Granted supplementary protection certificates (SPC) for medicinal products (paediatric use).....	13
Table 5. Applications for a Belgian plant variety right certificate and granted certificates.....	14
Table 6. Granted Belgian plant variety right certificates.....	14
Table 7. Application for restoration after the expiration of the time limit .....	16
Table 8. Decisions following an application for restoration .....	16
Table 9. Applications to the patent register .....	17
Table 10. Results of the Patent Attorney Examination .....	17
Table 11. Annual fees collected: Belgian patent, SPC, European patent .....	18
Table 12. Processing fees receipts (Belgian patents) .....	18
Table 13. Total IPObel revenues .....	18
Table 14. Receipts from plant variety rights .....	19
Table 15. Total number of accesses to the "Payer" functionality .....	19
Table 16. Number of payment orders.....	20
Table 17. Total number of accesses featuring the "Portfolio" functionality .....	20
Table 18. Questions treated on intellectual property.....	27
Table 19. Number of events organised by IPObel.....	29

## Foreword

Whereas 2020 will go down in history as the year in which the outbreak of the coronavirus pandemic had a ruthless impact on society as a whole, 2021 will probably be remembered as the year in which the various consequences of this pandemic already became more apparent, including in the practice of intellectual property.

In 2021, the number of patent applications filed by applicants located in Belgium remained in the same orders of magnitude as in 2020. The applicants filed 799 Belgian patent applications with the Belgian Intellectual Property Office and 2,485 European patent applications with the European Patent Office. In 2020, these figures were 861 and 2,400 requests respectively. In total, 1,207 Belgian patent applications were filed and 1,005 Belgian patents were granted in 2021.

It may also be noted that with 46 applications in 2021, twice as many repair applications were filed as in 2020. Such a reinstatement application can be submitted if a certain deadline has not been met in the procedure for the Service. The current pandemic, which poses organisational problems for patent holders and paying agencies, is one of the explanations for this sharp increase.

At the legal level, a legal framework was drawn up in 2021 to support the creative sector in order to help cushion the consequences of the lower income resulting from the covid pandemic. A sum of around 19 million euro was made available to authors and performers in this way.

2021 was also the year in which new bodies were set up in the field of intellectual property. Thus, the Belgian Institute of Patent Attorneys was created after its general meetings of 30 September 2021 and 17 December 2021. In addition, the Breeders' Rights Council, whose task is to advise the Minister of Economy on matters concerning the protection of plant varieties, was also established. The inaugural meeting took place in February 2021.

Finally, it can be mentioned that, given the health situation, the interaction with the users of the Service occurred mostly digitally. However, numerous actions are still being organised to stay in touch with the users.

This annual report has also taken the digital route further. Indeed, for the first time, a separate page will be created, focusing on a few topics that occurred over the past year, so that you can access the core information in a quick and interactive manner. And last but not least, thanks to a collective effort, the Service's more than 200 web pages were translated into English in 2021.

Hoping to be, and to continue to be, at your service.

Jérôme Debrulle

Director-general a.i.

# 1. The Intellectual Property Office at a glance

The Belgian Intellectual Property Office (IPObel) is part of the Federal Public Service (hereafter FPS) Economy, SMEs, Self-employed and Energy. Within the FPS, the Intellectual Property Office is a division of the Directorate-General for Economic Regulation (E3).

IPObel has several subdivisions, organised according to their tasks and activities:

- production, finance and information: these services are responsible, among others, for the registration and processing of (applications for) industrial property titles, public awareness, and distribution of information to the public;
- legal and international affairs: IPObel's activities include drafting up laws and implementing decrees, as well as representing Belgium at the European and international institutions, such as the Council of the European Union, the Benelux Office for Intellectual Property (BOIP), the World Intellectual Property Organisation (WIPO), the European Union Intellectual Property Office (EUIPO), and the European Patent Office (EPO).

The Intellectual Property Office develops a considerable part of its activities thanks to structural partnerships, in particular in the area of information and awareness-raising for companies, university research centres and IT projects. This translates, among others, into the institutional forum bringing together representatives of regional institutions responsible for promoting innovation through intellectual property, as well as representatives of IPObel and cooperation agreements with the EPO, the EUIPO and the BOIP. These partnerships offer numerous benefits and enhance the quality of services offered to users of IP systems, as well as synergies based on the exchange of expertise, knowledge and economies of scale.

# IPObel Organisation chart on 31 December 2021

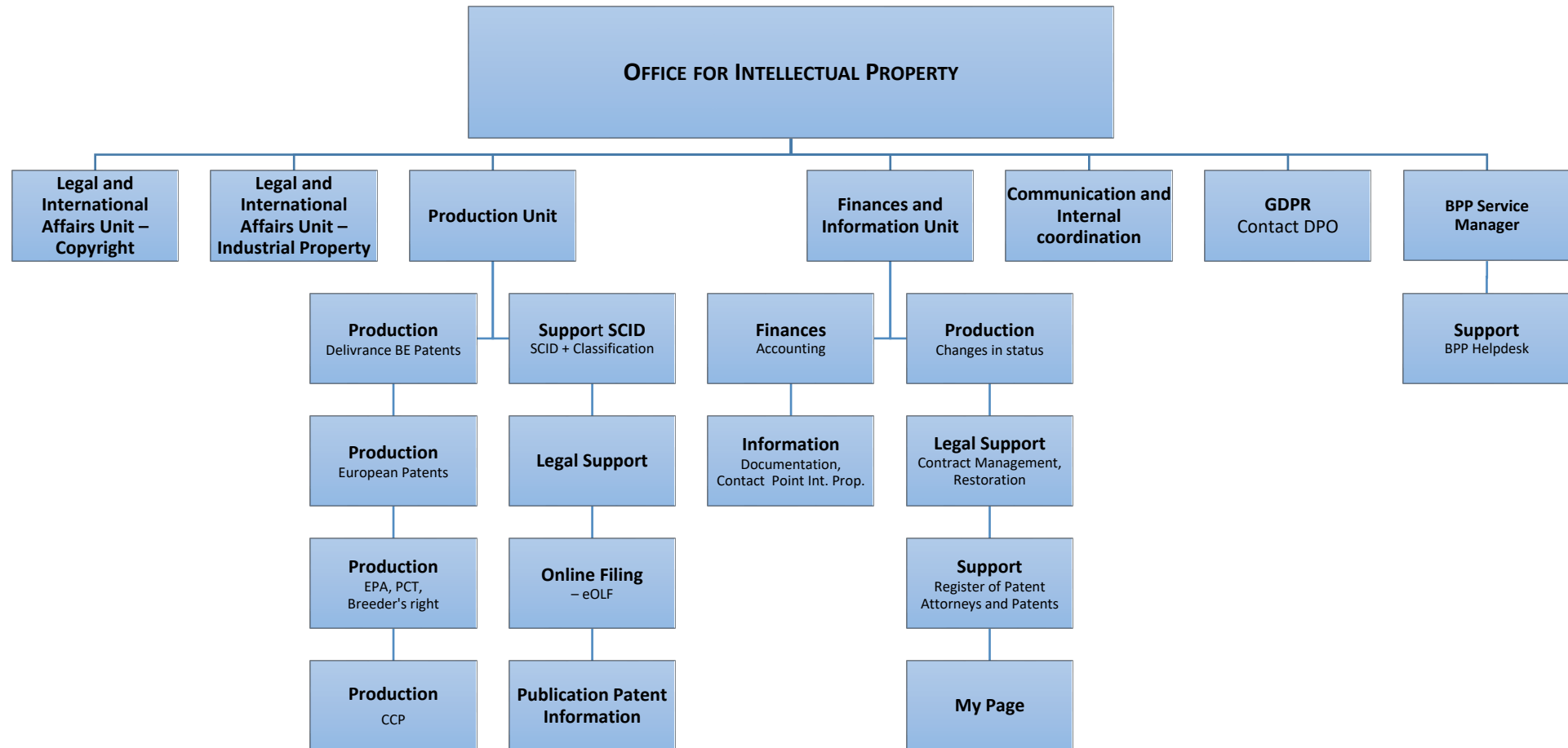


Table 1. Staff figures of the Intellectual Property Office

*Situation as of 31.12.2021, in full-time equivalents.*

Staff members per department	Number (full-time equivalents)
Legal and international affairs section	8
Production, Finance and Information sections	34
Management (advisor-general and advisors)	4
<b>Total</b>	<b>46</b>

Distribution by level	Number (full-time equivalents)
Level A, advisors and attachés	22
Level B, administrative experts	10
Level C, administrative assistants	10
Level D, administrative collaborators	4
<b>Total</b>	<b>46</b>

Source: FPS Economy.

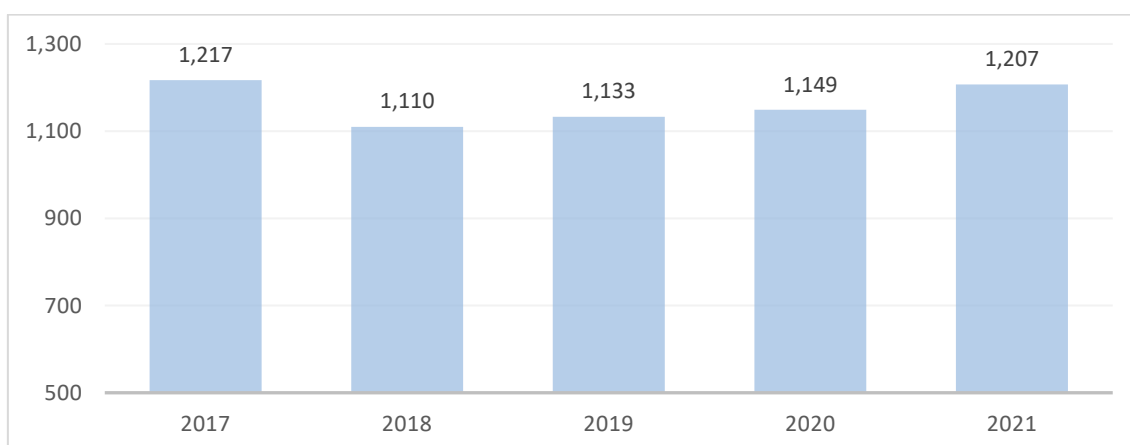
## 2. Highlights of 2021

### 2.1. Patents and supplementary protection certificates

#### 2.1.1. Belgian patents

##### Belgian patent applications

Chart 1. Belgian patent applications



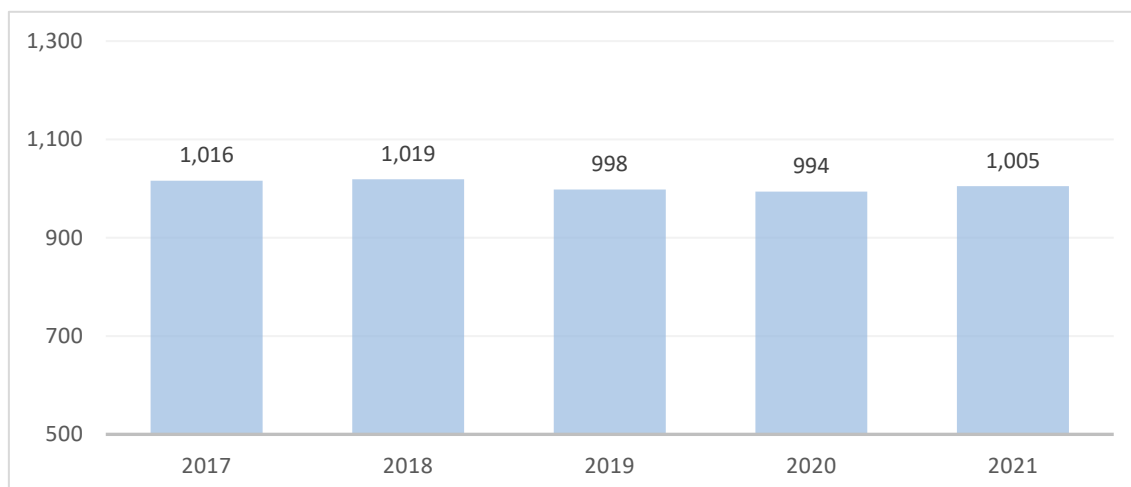
Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

As shown in the chart above, the number of Belgian patent applications filed in 2018 decreased by 9% compared to 2017. Over the years 2019 and 2020, the number of applications increased by approximately 2% per year. We can observe a bigger increase of 5% in 2021, compared to 2020. This increase is largely due to a growth of foreign applications.



## Granted Belgian patents

Chart 2. Granted Belgian patents

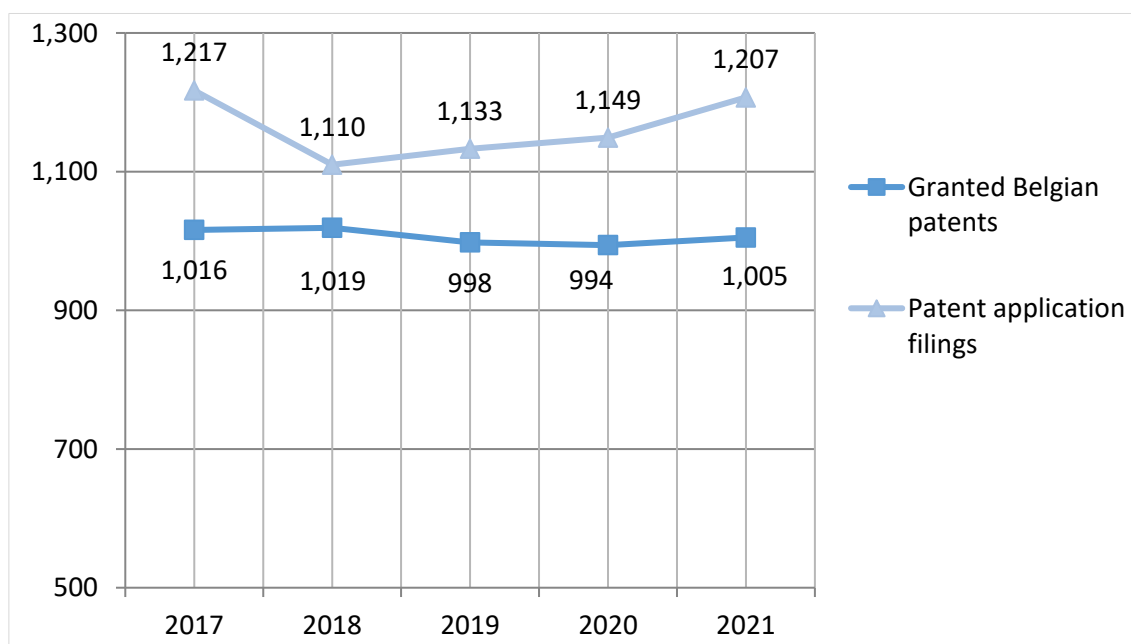


Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Since 2017, the number of granted Belgian patents amounts around a thousand per year.

## Belgian patents vs. patent applications

Chart 3. Belgian patents vs. patent applications



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Since 2018, a balance has been reached between the number of Belgian patent applications filed and the number of Belgian patents granted. The number of granted patents is lower than the number of filed patents, due to certain patents being withdrawn or rejected. In 2021, 1,005 Belgian patents were granted while 1,207 Belgian patent applications were filed.

## Geographical distribution of Belgian patent applications across the Provinces and Regions

Table 2. Geographical distribution of Belgian patent applications across the provinces and regions

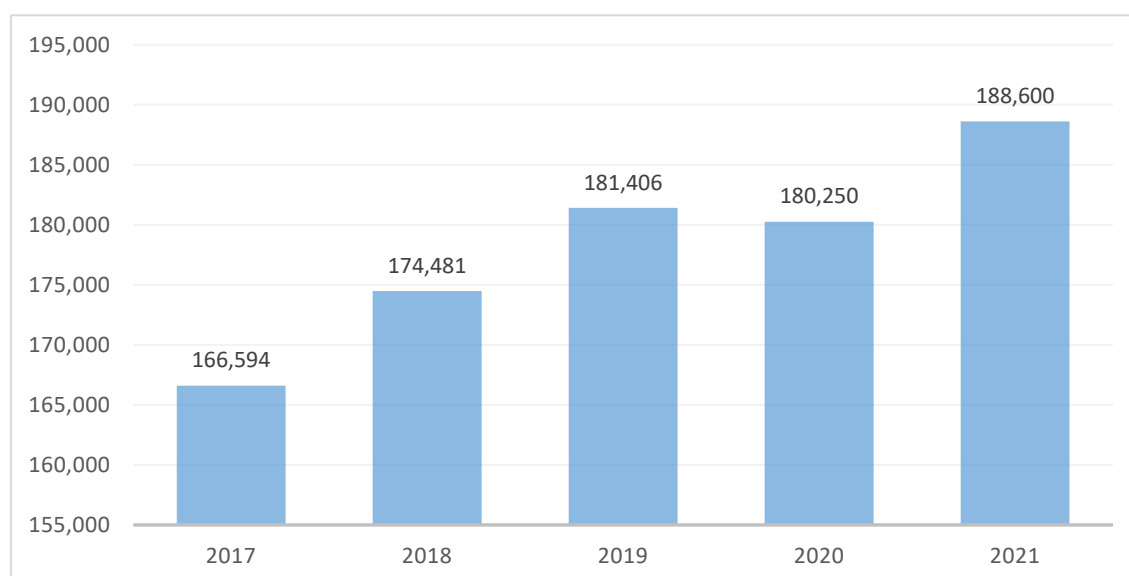
		2018	2019	2020	2021
Flanders	Antwerp	161	165	166	158
	Limburg	86	86	50	47
	East Flanders	150	154	141	154
	Flemish Brabant	53	36	37	40
	West Flanders	136	202	226	174
Brussels		85	46	57	44
Wallonia	Hainaut	37	36	55	45
	Liège	111	100	65	86
	Luxemburg	5	2	2	5
	Namur	25	22	22	10
	Walloon-Brabant	42	26	38	36

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

### 2.1.2. European and international patent applications (PCT)

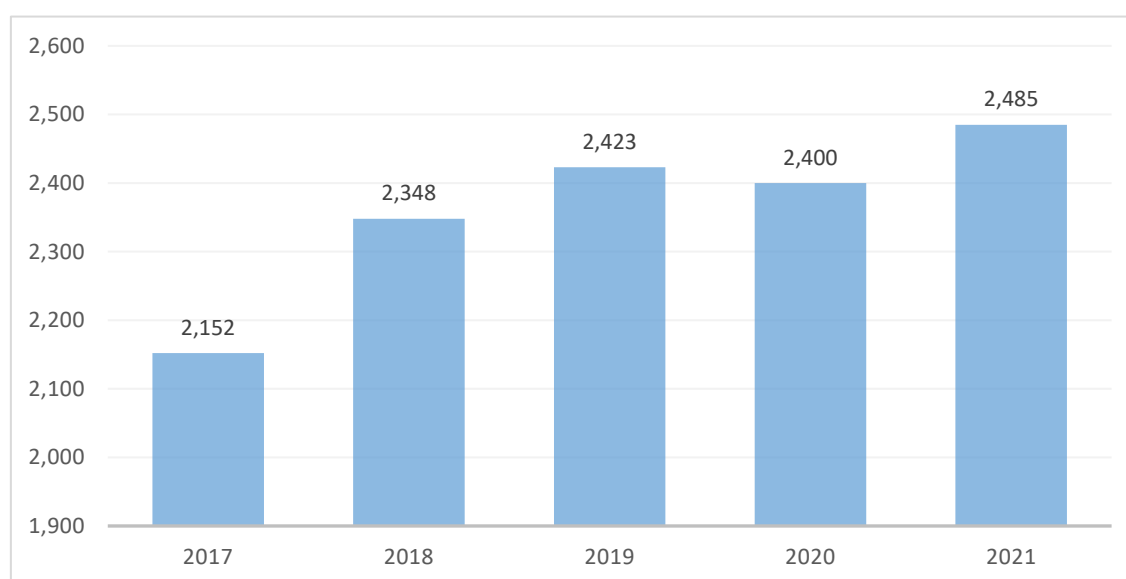
#### European patents

Chart 4. Total number of European patent applications filed with the EPO



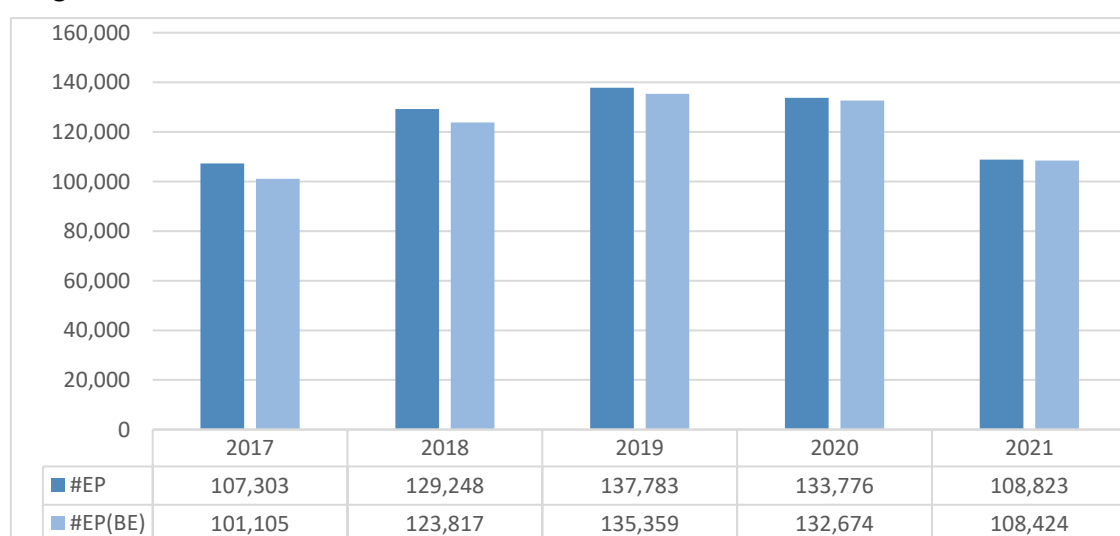
Source: EPO Patent Index 2021 (released: 05.04.2022).

Chart 5. European patent applications designating Belgium, filed with the EPO by Belgian applicants



Source: EPO Patent Index 2021 (released: 05.04.2022).

Chart 6. Granted European patents (EP) and granted European patents designating Belgium



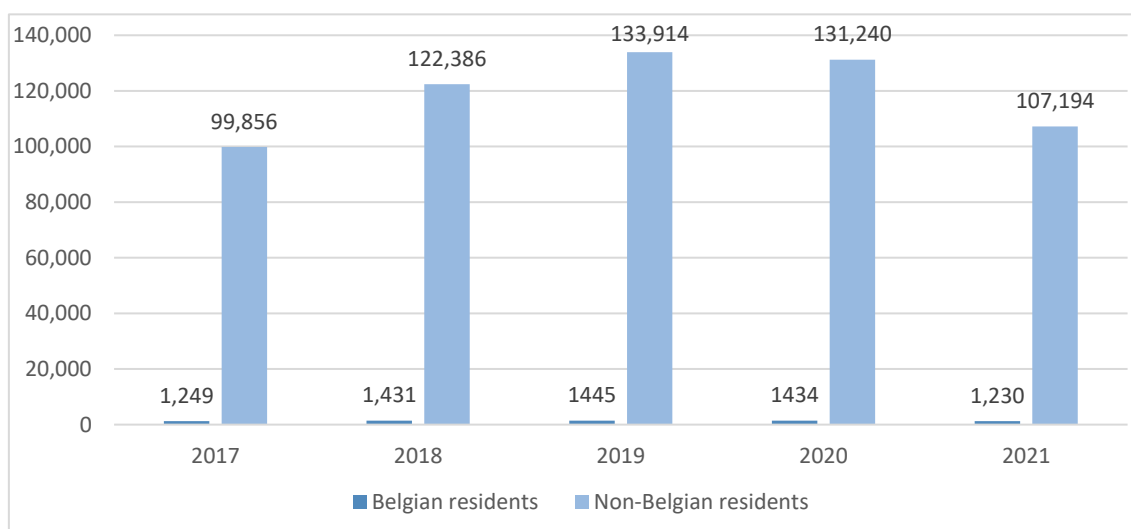
Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

The number of European patents granted by the European Patent Office (EPO) decreased by almost 19% between 2020 and 2021.

A slight decrease in the number of European patents granted by the EPO had already been noticed in 2020. This trend is confirmed this year.

Nevertheless, it should be noted that the percentage of European patents granted designating Belgium has been steadily increasing since 2015. In 2021, this percentage amounts to more than 99% of the European patents granted by the EPO.

Chart 7. Residence of applicants of European Patents (BE and non-BE)

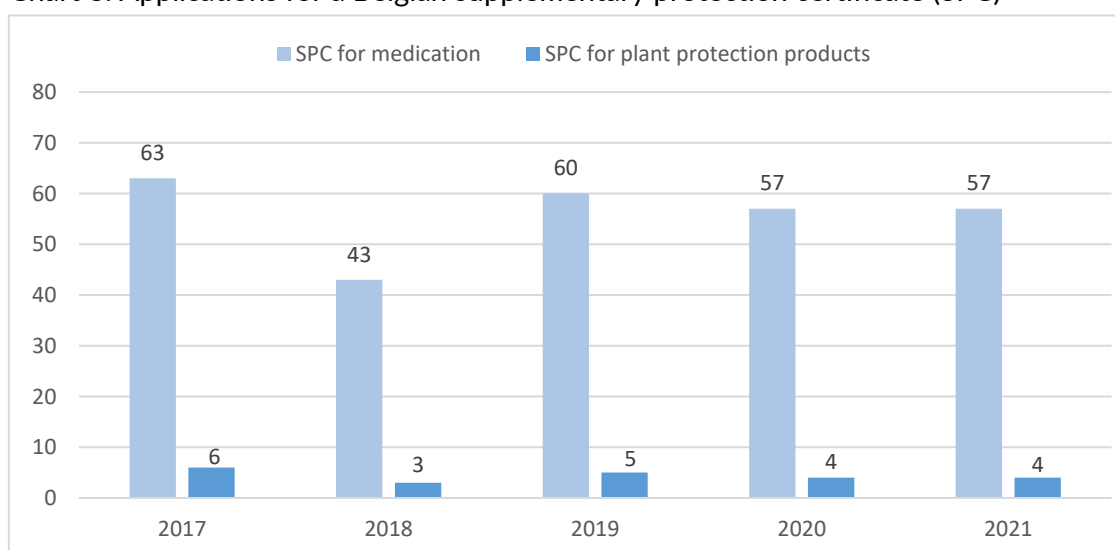


Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

More than 98% of the European patents designating Belgium granted in 2021 have a patent holder established abroad. The trend that had been taking shape over the previous years is confirmed.

### 2.1.3. Supplementary protection certificates (SPC)

Chart 8. Applications for a Belgian supplementary protection certificate (SPC)

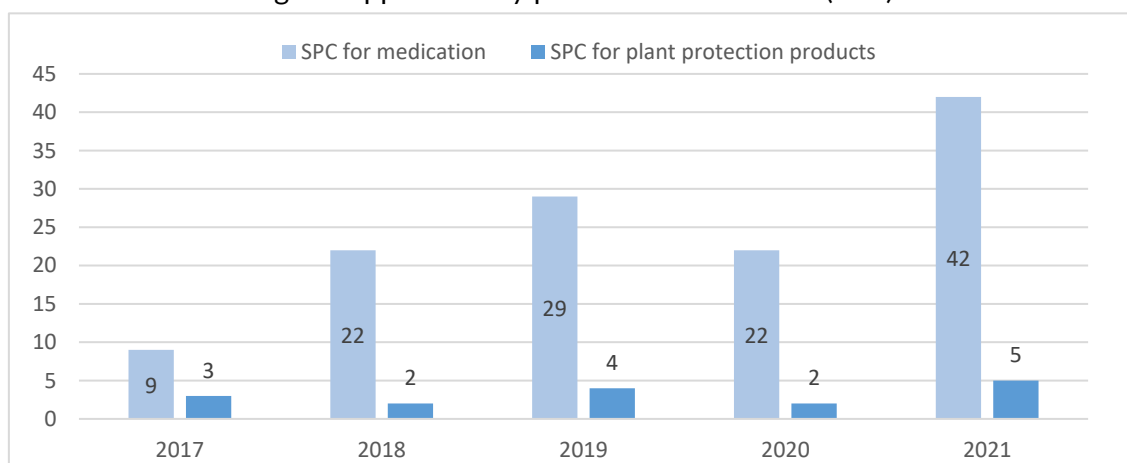


Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Exactly as many applications for supplementary protection certificates (SPC) were filed in 2021 as in 2020, and the ratio of the number of applications for medicinal products to the number of applications for plant protection products is the same as in the year before.

Over the past years, the number of SPC applications fluctuated around an average of 60 per year. In 2021, more than 90% of the number of SPC applications concern a medicinal product (93%), while only 7% concern a plant protection product. This ratio of the number of SPC applications for a medicinal product to the number of SPC applications for a plant protection product remains quite steady over the years, between 2015 (which is the first year such statistics are available) and 2021.

Chart 9. Granted Belgian supplementary protection certificates (SPC)



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Regarding the chart above, it should be noted that the Belgian SPC applications are processed in the first instance by the Intellectual Property Office according to the expiry date of the corresponding basic patent for the medicinal product's active substance or the plant protection product for which they extend the period of protection and therefore not directly according to their filing date. Consequently, the number of granted certificates within a certain period does not always correspond to the number of applications filed within that same period in the past.

Table 3. Applications for extensions of supplementary protection certificates (SPCs) for medicinal products for paediatric use

	2017	2018	2019	2020	2021
Number of paediatric SPC extensions granted	9	6	10	14	8

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Table 4. Granted supplementary protection certificates (SPC) for medicinal products (paediatric use)

	2017	2018	2019	2020	2021
Number of paediatric SPC extensions granted	8	8	6	7	9

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Compared to 2020, the number of paediatric extension applications decreased in 2021. The number of granted paediatric extensions remained roughly the same.

## 2.1.4. Institute of Patent Attorneys

Following the entry into force on 1 December 2020 of the first stage of the reform of the profession of patent attorney provided for by the Act of 8 July 2018, the General Assembly of the Institute of Patent Attorneys held its first meeting on 30 September 2021. At that meeting, the General Assembly elected its President and Vice-President, as well as the members of the Board and the deputy members of the Disciplinary Commission. In addition, it appointed an auditor, adopted a proposal for an annual contribution fee, and proposals for internal regulations and rules of conduct. Finally, it adopted at an extraordinary meeting on 17 December 2021 a proposal for regulations governing the organisation of permanent training. In consultation with the Intellectual Property Office and the Institute's Government Commissioner, the Institute's bodies take the necessary steps to make the Institute fully operational. This will allow the entry into force of the second stage of the reform, which is expected in 2022, and which includes the reform of access

to the profession for free service providers, protecting the professional title, professional confidentiality, compulsory insurance, and the right to speak before Belgian courts.

### 2.1.5. Plant variety right certificates

Table 5. Applications for a Belgian plant variety right certificate and granted certificates

	2017	2018	2019	2020	2021
Number of applications for a plant variety certificate	3	2	2	2	2

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Table 5 shows that only a handful of Belgian plant variety certificate applications are filed each year. The explanation for such a small number is that the majority of breeders – Belgian and non-Belgian – who want to protect their plant variety immediately apply for a Community plant variety certificate with the CPVO (Community Plant Variety Office); such certificate gives protection in several countries including Belgium. It is easier and more effective to get a Community protection through a single procedure than to follow up the application procedure in each country separately.

Just like in 2020, only 2 applications for a Belgian plant variety right were filed in 2021. Most of the (Belgian) breeders directly apply for a Community plant variety right.

Table 6. Granted Belgian plant variety right certificates

	2017	2018	2019	2020	2021
Number of Belgian plant variety right certificates granted	1	0	4	6	1

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Applications for Belgian variety rights are subject to a scientific examination which, depending on the plant variety, may take one or several years. Consequently, the number of granted certificates within a certain period does not always keep pace with the number of applications filed within a certain period in the past.

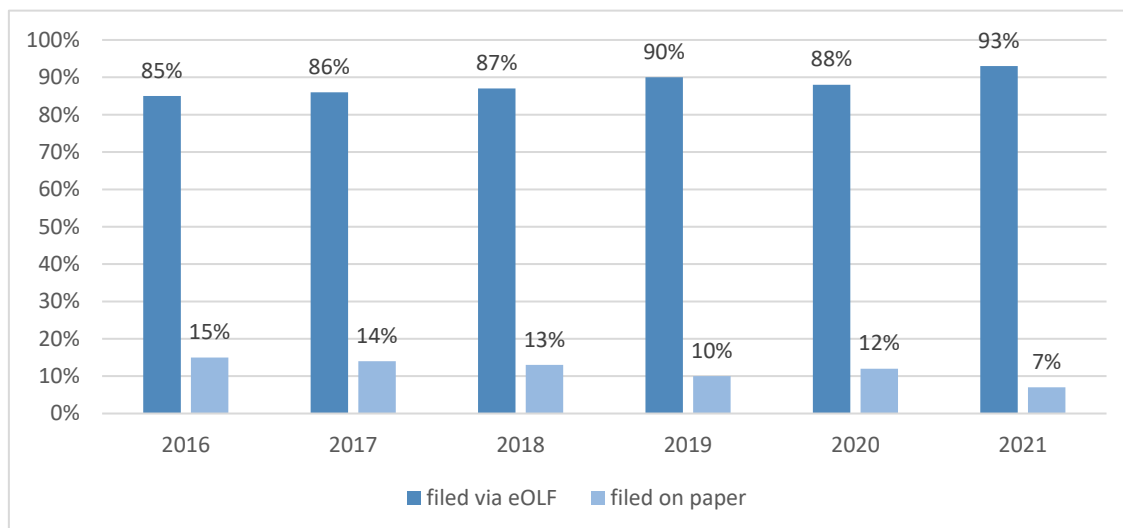
### Plant Variety Protection Council

The Plant Variety Protection Council, which is composed of experts in genetics, botany or plant science, and intellectual property law, and whose task is to advise the Minister of Economy on matters relating to plant variety protection, began its mandate with an inaugural meeting in February 2021. A second meeting took place in November. At these meetings, the Council elected its President and Vice-President, approved the activity programme and began a review of the terms of the farmer's privilege in Belgium.

## 2.1.6. Electronic Online Filing (eOLF)

### The use of eOLF in 2021

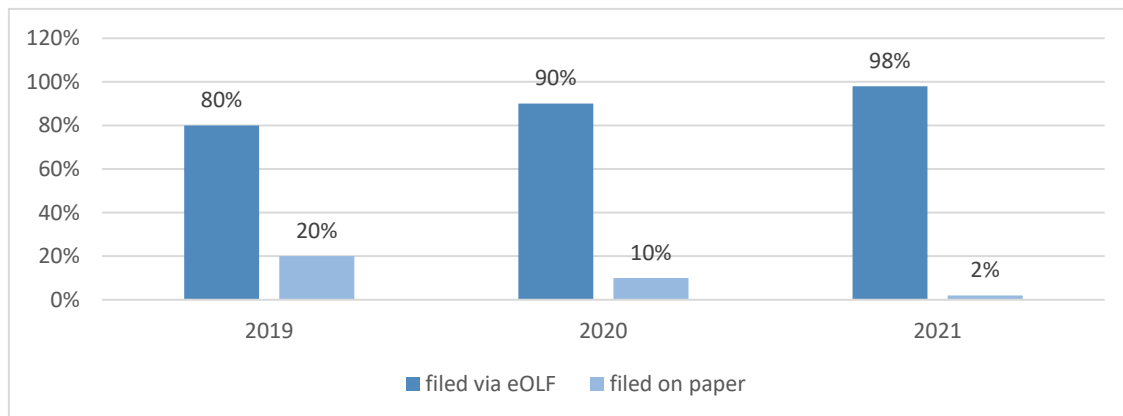
Chart 10. Electronic filing (eOLF) vs. paper applications of Belgian patents



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

In 2021, 93% of Belgian patent applications were submitted electronically.

Chart 11. Electronic filing (eOLF) vs. paper applications for Belgian SPCs



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Three years after the launch of the eOLF plug-in for the electronic filing of an application for a Belgian Supplementary Protection Certificate (SPC), it is already used for 98% of the SPC applications.

## 2.1.7. Registration section's activities

### Restoration applications

Failure to comply with some of the applying time limits in the procedure before the Intellectual Property Office may result in a loss of the rights attached to the patent application or granted patent. In such case, there is a possibility to restore those rights, via the rights restoration procedure. The following tables show statistics regarding the decisions taken as to restorations between 1 January 2017 and 31 December 2021.

Table 7. Application for restoration after the expiration of the time limit

	2017	2018	2019	2020	2021
Requests	22	21	21	23	46
Annual fees	12	20	20	22	45
European patents validation	8	0	0	0	0
Priorities	0	0	1	0	1
Other	2	1	0	1	0

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Table 8. Decisions following an application for restoration

	2017	2018	2019	2020	2021
Definitive decisions	37	35	10	24	41
Restoration	33	22	7	17	31
Rejection	4	13	3	7	10

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

With regards to the requests' outcome, the figures in the table show that:

- A total of 46 restoration applications were filed in 2021, which is twice the amount of the previous years. The pandemic, which causes organisational problems for patent holders or payment agencies, explains this sharp increase.
- Out of 41 decisions taken in 2021, 76% were successful: this percentage is slightly higher compared to the previous three years.
- As of 31 December 2021, 15 applications are still awaiting a final decision. An intention of rejection has already been declared for 12 of these 15 applications.



## Applications to the patent register

Table 9 lists the number of applications by category over the last five years. The three most common types of applications concern changes of ownership, address and attorney. We notice that over the last five years, the number of applications has increased by 30%.

Table 9. Applications to the patent register

	2017	2018	2019	2020	2021
Change of holder	1,007	1,001	1,197	1,134	1,253
Change of address	378	483	542	454	441
Change of attorney	259	350	433	450	428
License	23	19	16	27	20
Pledge	11	5	12	14	6
Total	1,630	1,812	2,200	2,079	2,119

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Please note that a single application for change may concern dozens of patents. In addition, the same application may contain for e.g. both a change of address and a change of attorney. Therefore, the total number of files does not necessarily correspond to the total number of applications.

## Registration as recognised patent attorney

The Commission for the Recognition of Patent Attorneys organises each year a patent law examination for the attorneys applying for entry in the Belgian Recognized Patent Attorney Register. Passing this examination is an obligatory condition to be recognised as an attorney and thus for entry in the Register.

The table below shows the number of successful candidates for each year the examination was organised.

Table 10. Results of the Patent Attorney Examination

	2017	2018	2019	2020	2021
Passed patent attorneys	3	8	13	13	11

Source: FPS Economy (status: 31.12.2021).

As of 31 December 2021, 247 representatives are registered in the Belgian Recognized Patent Attorney Register.

## 2.1.8. Finances of the Intellectual Property Office

### Patents & supplementary protection certificates (SPC)

Tables 11 to 13 show the revenues collected by IPObel during the budgetary years 2017 to 2021.

Table 11. Annual fees collected: Belgian patent, SPC, European patent

*In euro.*

	2017	2018	2019	2020	2021
<b>Annuities BE (incl. SPC)</b>	680,585.00	706,945.00	771,510.00	809,045.00	864,220.00
<b>Annuities EP</b>	9,928,737.50	9,911,247.50	10,516,010.0	10,889,167.50	11,203,395.00
<b>Sent annuities EPO (50% annuities EP)</b>	9,584,937.50	9,557,897.50	10,138,240.0	10,455,677.5	10,810,140.00
<b>Annuities</b>	<b>20,194,260.00</b>	<b>20,176,090.00</b>	<b>21,425,760.00</b>	<b>22,153,890.00</b>	<b>22,877,755.0</b>

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Compared to 2020, the total paid annuities (for Belgian patents and European patents validated in Belgium) increased by 3.95% in 2021, or by 9.24% compared to 2019.

### Processing fees receipts (Belgian patents)

Table 12. Processing fees receipts (Belgian patents)

*In euro.*

	2017	2018	2019	2020	2021
<b>Filing fee</b>	71,075.00	66,350.00	70,425.00	72,475.00	70,550.00
<b>Priority fee</b>	412.00	1,050.00	650.00	250.00	150.00
<b>Research fee</b>	304,800.00	323,700.00	306,594.00	330,300.00	325,200.00
<b>Special fees (regularisation + rectification)</b>	4,296.00	4,974.00	3,326.00	8,395.00	6,475.00
<b>Total processing fees</b>	<b>380,583.00</b>	<b>396,074.00</b>	<b>380,995.00</b>	<b>411,420.00</b>	<b>402,375.00</b>

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Partly due to the decrease in the number of commissioned research reports, we notice a decrease in processing fees receipts in 2021.

Table 13. Total IPObel revenues

*In euro.*

	2017	2018	2019	2020	2021
<b>Total revenues</b>	<b>20,728,857.00</b>	<b>20,581,988.00</b>	<b>21,806,755.00</b>	<b>22,565,310.00</b>	<b>23,280,130.00</b>

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

Over the period 2017-2021, we observe an increase of revenue of almost 3 million euro. Here are some of the possible factors explaining this increase : the average 10% increase of the annual annuities on 01/01/2016, the London Agreement's implementation on 01/01/2017 and the significantly growing number of BE and EP annuities paid every year.

## Plant variety rights

Table 14 shows figures for collected revenues over the budgetary years 2017 to 2021. The revenues drop between 2017 and 2021. This reduction can be explained by the attractiveness of the European protection compared to the national protection.

Table 14. Receipts from plant variety rights

*In euro.*

	2017	2018	2019	2020	2021
<b>Annuities, filing fees, priority fees</b>	11,495.00	11,954.00	9,914.00	9,320.00	7,979.00

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

## MyPage

MyPage is an online service that provides secure electronic access to the patents and SPCs on the Benelux Patent Platform.

To have access to MyPage, a smart card provided by the European Patent Office, with its PIN code, is necessary. MyPage has 2 functionalities: "Payer" and "Portfolio".

1. The "Payer" functionality is available to patent attorneys, representatives and payment agencies that have a current account with the IPO, and it allows to:
  - monitor the status and annuities of patents and patent applications for which they are acting;
  - carry out payment orders regarding their patents;
  - carry out payment orders regarding patents, on behalf of the applicant or holder (owner) of patents;
  - consult the balance of their current account.
2. With the "Portfolio" functionality, attorneys and groups of attorneys can consult the data relating to their patent portfolio, as well as the correspondence and documents contained in the patent files.

### Number of MyPage "Payer" accesses

The number of accesses to MyPage's Payer functionality is in constant growth, as shown in Table 15.

Table 15. Total number of accesses to the "Payer" functionality

	2018	2019	2020	2021
<b>Total number of accesses featuring the "Payer" functionality</b>	50	77	96	107

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

### Number of payment orders via MyPage

Not only has the number of payment orders via MyPage tripled between 2018 and 2021, but we also note that, as of 31/12/2021, half of the financial transactions are executed via MyPage, which shows the users' interest in MyPage. This interest has been linked, since 2018, to the multiple developments of the tool in order to make it as operational as possible for the user.

Table 16. Number of payment orders

Number of payment orders	2018	%	2019	%	2020	%	2021	%
MyPage	903	20.85%	2,347	44.09%	2,657	49.81%	2,721	50.49%
Total	4,329		5,323		5,334		5,389	

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

### Number of “Portfolio” accesses

The Portfolio functionality is available since 19/10/2020. As of 31/12/2021, IPObel had granted 26 Portfolio accesses.

Table 17. Total number of accesses featuring the “Portfolio” functionality

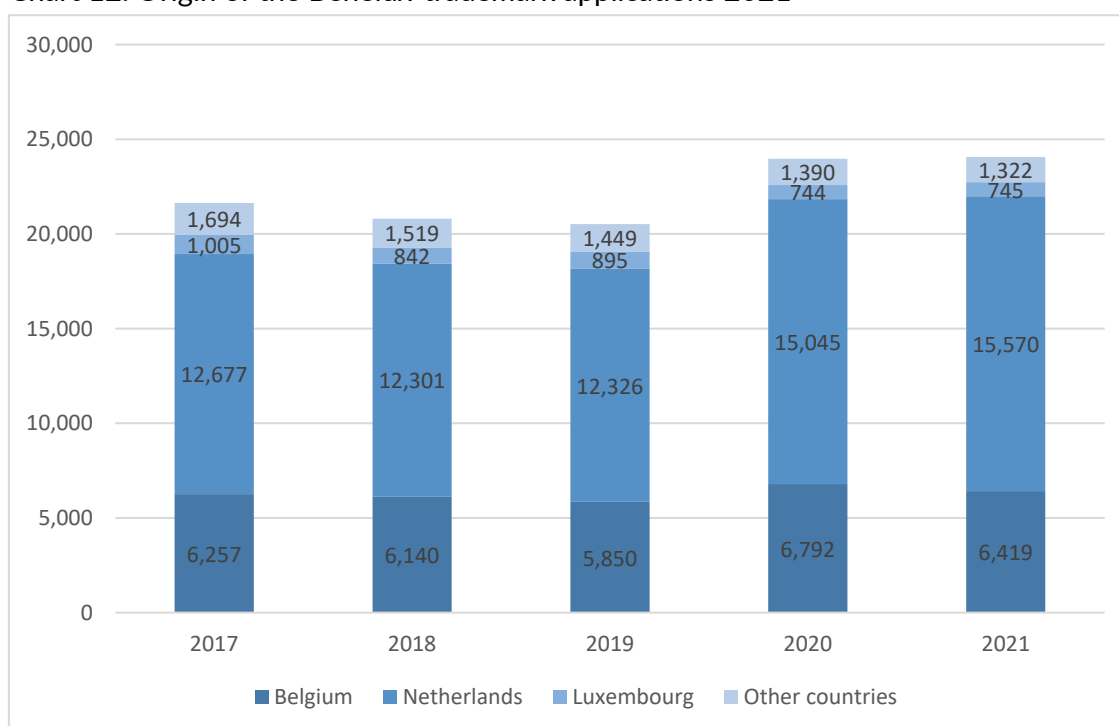
	2020	2021
Total number of accesses featuring the “Portfolio” functionality	15	26

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2021).

## 2.2. Rights concerning trademarks, models and designs

### 2.2.1. Origin of the Benelux trademark applications

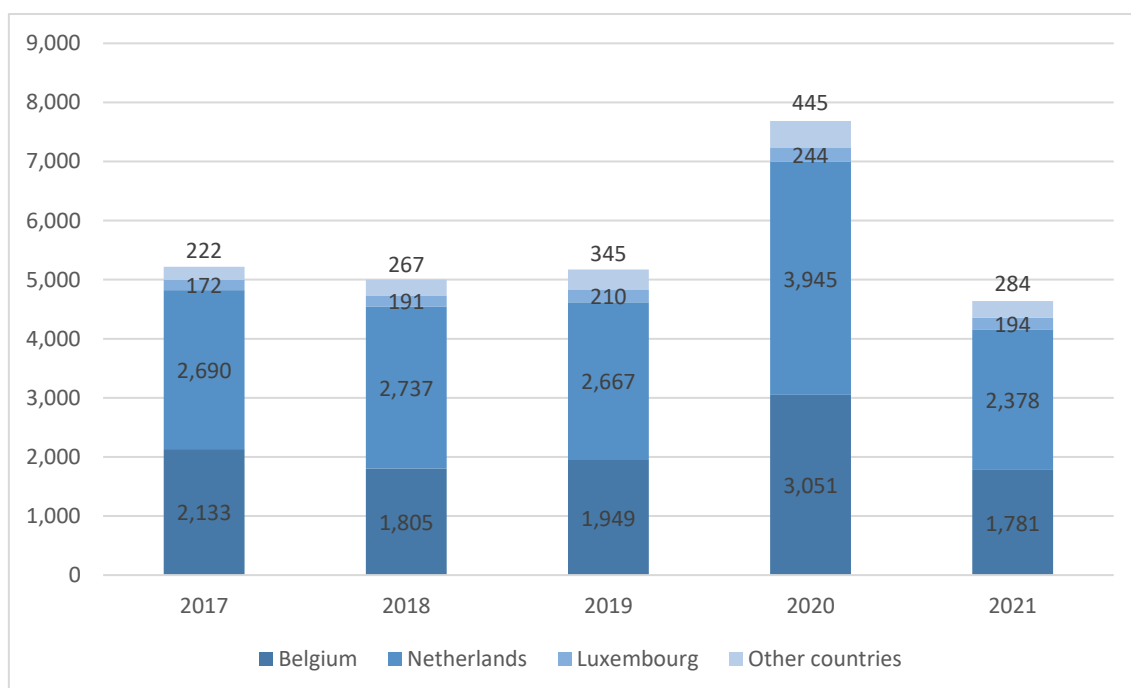
Chart 12. Origin of the Benelux-trademark applications 2021



Source: Benelux Office for Intellectual Property (BOIP).

## 2.2.2. i-DEPOT e-filings per country of application

Chart 13. i-DEPOT e-filings per country of application 2021



Source: Benelux Office for Intellectual Property (BOIP).

The most recent figures on trademarks, i-DEPOTS and designs can be found on [the BOIP website](#).

## 2.3. Copyright and related rights

Many changes were implemented at national level in the field of copyright in 2021. These changes are described below.

### 2.3.1. Transposition of European directives

#### Copyright in the Digital Single Market

In 2019, the Digital Single Market Copyright Directive was adopted. This Directive holds a major copyright reform to adapt copyright to the digital world. In particular, the Directive includes:

- four new exceptions (e.g. for text and data mining),
- a system for commercially unavailable content,
- a new related right for press publishers,
- new regulations applying to certain online platforms,
- new regulations to ensure appropriate remuneration for authors and performers in exploitation contracts.

Work on the transposition of this Directive began in 2019. In 2021, work continued and discussions took place at government level. In June 2021, the Council of Ministers approved a draft law, while requesting further opinions on certain issues. Discussions at political level will continue in 2022. Once these discussions have been completed, the draft transposition may be submitted to the Federal Parliament.

## Update of the Satellite and Cable Directive

As indicated in our previous annual report, Directive (EU) 2019/789 with regard to the audiovisual sector was adopted in 2019 (which provides for new rules for ancillary online services of broadcasting organisations, retransmission, communication to the public through direct injection and complements the previous Directive 93/83/EEC of 1993) must be transposed into Belgian law.

The draft transposition was finalised in 2021, after the interested parties had been consulted, and then approved by the Council of Ministers in April 2021. The text was then submitted to the Council of State for an opinion, which was delivered in June 2021. In order to address the Council of State's remarks, some final adaptations were made and the government approved the final draft transposition in November 2021. It was finally submitted to the Parliament for vote just before the end of the year.

The parliamentary process will take place in the beginning of 2022. After that, the entry into force of the text will be possible.

### 2.3.2. Legislation in support of authors and artists during the COVID-19 pandemic

In order to mitigate the consequences of the COVID-19 pandemic on individual Belgian authors and artists, a support measure was taken in 2021. To that end, a total amount of approximately 19 million euro has been made available. The copyright and related rights management societies whereof members were most affected by the measures taken against COVID-19 were called upon to distribute the amounts among authors and artists concerned.

## 2.4. Subjects concerning IP in general

### 2.4.1. Regulated intellectual property rights of Federal Public Service agents

Federal Public agents generate, because of their position, a large number of IP protected objects such as databases, computer programs, information brochures, websites, etc. Until recently, the question of the transfer of intellectual property rights to the Federal State was not expressly settled, which could leave some doubts as to the legal situation.

From this perspective, IPObel developed in 2021 in consultation with the FPS BOSA adequate standards to be included in the State agents' status, with regard to the transfer of intellectual property rights to the State.

This work led to the insertion of new provisions in the Royal Decree of 2 October 1937 laying down the State agents' status, via the Royal Decree of 30 September 2021. These new provisions will enable the Federal State to manage with certainty and consistency the intellectual property rights relating to intangible assets created by the federal public sector's agents in the performance of their duties.

### 2.4.2. Enforcement of intellectual property rights: Interministerial Commission for the Fight against Counterfeiting and Piracy

With the COVID-19 pandemic, counterfeiting and piracy have continued to grow, especially on the internet, with negative impacts on the health and safety of consumers as on the sustainability of the economic fabric already heavily affected by the crisis. In order to combat this phenomenon, the Intellectual Property Office actively participates in the work of the Interministerial Commission for the fight against counterfeiting and piracy, whose task is to ensure coordination between the various Belgian authorities involved in the fight against counterfeiting.

## 2.5. Communication and awareness

### 2.5.1. Consultation meeting with patent attorneys on the application of Belgian patent law

Each year, IPObel invites patent attorneys to participate in a consultation meeting “Application of Belgian patent law”.

This meeting was held on 25 November 2021, in the form of a webinar, with the support of the FPS Economy’s DG Communication, and brought together 65 patent attorneys and 12 IPObel agents.

The main topics discussed during this consultation were:

- the use of the WIPO Digital Access Service (DAS);
- the issue of certified copies;
- the filing of a Belgian patent application based on a patent application under a military secrecy order abroad;
- the IP Office’s projects relating to IP information and awareness;
- the harmonisation of the inventor’s data;
- the Institute of Patent Attorneys;
- the legal study on alternative dispute resolution.

### 2.5.2. Common synergies with our partners (regions, BOIP, EPO, EUIPO)

#### ideeSCAN

After the launch of the tool “ideeSCAN” at the end of 2020, a communication campaign was carried out, among others on social networks, by the FPS Economy in collaboration with the Flemish Agency for Innovation and Entrepreneurship (VLAIO) and the Benelux Office for Intellectual Property (BOIP).

As a reminder, ideeSCAN consists of an anonymous online questionnaire based on Belgian and Benelux intellectual property legislation. Based on a series of simple questions, which can be completed in only 10 minutes, the user receives a free summary document providing concrete information on intellectual property rights.

It is available in Dutch and French.



#### ThatsIP

ThatsIP is an online learning platform that has been developed especially for higher education students. However, the platform is also accessible to anyone who want to know more about intellectual property. The platform also features a user guide on how to use the tool for higher education teachers, who can access it via a login.

In 2020, some work was carried out on the French version of the tool (in collaboration with BOIP, PSW Economy, Sowalfin and Innoviris) and it was released online in 2021.

IPObel, who manages this aspect, already issued logins. Communication actions on the ground will start in 2022.



E-LEARNING INTELLECTUAL PROPERTY

## Participation in EUIPO's SME FUND programme

In January 2021, the European Union Intellectual Property Office (EUIPO) launched the SME Fund grant scheme, allowing European SMEs to claim a reimbursement of 75% of the costs of IP pre-diagnostic services (IP Scan) in the participating Member States and/or a 50% reduction in trademark and model application fees.

Since IPObel subscribed the IP Scan service in April 2021, Belgian SMEs are now able to benefit from this 75% grant. All SMEs that filed an application with EUIPO were thus contacted in order to assess their needs and put them in contact with a designated IP expert (from a PATLIB Centre) whose expertise best matched the SME profile.

## PATLIB Network

The PATLIB network is a European network created by the European Patent Office (EPO) which brings together IP Information Centres coordinated by national offices (EPO Member States). In 2021, IPObel implemented a new PATLIB agreement between the FPS Economy and the Belgian Centres. This renewal is part of a movement the EPO initiated with its PATLIB 2.0 project, which aims, on the one hand, to give new impetus to the network and, on the other hand, to further improve the service offered to businesses, researchers and inventors.

Four centres already active in the Belgian network (Centexbel, CSTC, Sirris and UMons) signed the new agreements, which entered into force on 1 March 2021. In September 2021, a new centre was opened within the LiEU network (Liaison Entreprises Universités) which brings together the KTOs also called "Interface Office" or "Valorisation Office" of the 6 French-speaking universities.

### 2.5.3. Awareness campaign for accountants and tax advisors

BOIP and ITAA (Institute for Tax Advisors and Accountants) ran this IP awareness project together by writing articles (composed by IPObel and BOIP) on various IP topics and publishing them in the magazine "ITAA Actua", one of the communication channels used by ITAA to inform accountants and tax advisors.

In total, 12 articles were published over the period January - July 2021.

The themes covered were:

- Intellectual property, a corporate key issue;
- Companies: Intellectual property rights as growth driver;
- Validity conditions of intellectual property rights: the trademark;
- Validity conditions of intellectual property rights: the patent;
- Validity conditions of intellectual property rights: designs;
- Validity conditions of intellectual property rights: the copyright;
- i-depot: an important means of proof for ideas and innovations;
- First assistance tool for drafting intellectual property contractual clauses;
- Promotion of innovation through intellectual property;
- The role of IP professionals in the innovation process and corporate strategies;
- IP registers and misleading invoices;
- Non-fiscal public support for the promotion of innovation.



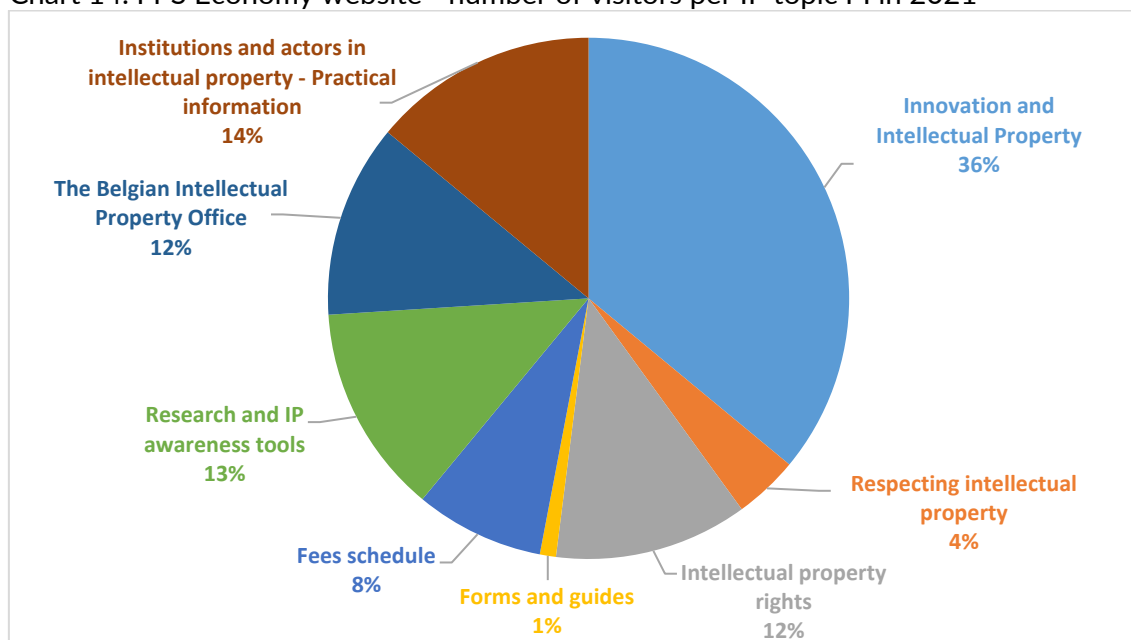
## 2.5.4. IPObel website

The FPS Economy's website is a valuable and almost inexhaustible source of information for countless visitors. IP topics cover more than 200 web pages, which were viewed 461,089 times throughout 2021.

However, until the beginning of 2021, English-speaking visitors did not have access to all the detailed information and could only consult a limited number of general pages. This is why a considerable effort has been requested from all departments this year in order to complete the full translation of all IP related pages. After achieving this massive task, IPObel is very proud to be able to provide complete information in 3 languages (French-Dutch-English) since December 2021.

To complete this chapter, we also break down in the chart below the number of visitors that consulted FPS Economy's website per main IP topic.

Chart 14. FPS Economy website - number of visitors per IP topic PI in 2021



Source: FPS Economy.

### 2.5.5. Patent searches

Epoque is a platform of EPO patent databases that is used by the Intellectual Property Office staff for pre-filing searches (outside the granting procedure) for patents. Such patent searches are an efficient way to check whether a certain invention is new or part of “prior art”. The platform has the advantage of giving the possibility to develop complex research strategies, which can be repeated regularly, in order for the results to be updated. Furthermore, it is possible to quickly compare the various databases’ results and to save them, and to avoid duplication. In addition, designs can be analysed quickly with the viewer feature. This enables the Intellectual Property Office to perform quick and professional patent searches and to inform the client about the result. Such efficiency is not always available with free databases.

Since using patent databases is not always obvious and possible for everyone, IPObel provides patent search services. Those online Epoque searches are carried out by the Information Service team itself in a strictly confidential manner. The list of patents and patent requests is compiled in the form of bibliography. These searches are purely informal. They are performed outside the granting procedure and at the request of the applicant (mainly patent attorneys). Such obtained results are purely informative for the customer and have no binding value.

Number of searches conducted:

- 281 searches in 2017;
- 190 searches in 2018;
- 220 searches in 2019;
- 174 searches in 2020;
- 214 research in 2021;

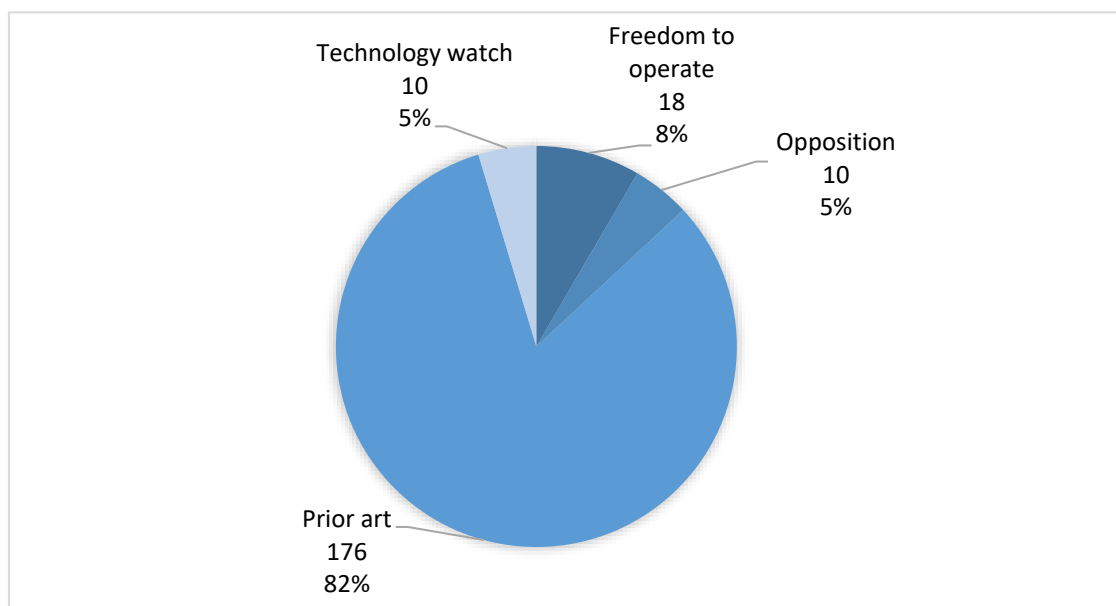
As 2020, 2021 was a special year. Teleworking remained the standard. After the installation of the necessary equipment (through secure lines) in 2020, so that search team members could use the Epoque platform from home, the search work could be carried out without interruption, allowing the number of files processed to return to the level of 2019.

In 2021, the technical areas in which searches have been carried out remain the same as in previous years (which may be an indicator), namely:

- classification A: human necessities, including agricultural activities (farming, hunting, fishing, ...);
  - food; tobacco;
  - personal or household items;
  - health; entertainment;
- classification B: various industrial and transportation techniques, such as: separation, mixing;
  - metalworking;
  - printing, books, decorative art;
  - transportation or export; microstructural technology; nanotechnology.

Chart 15 shows the breakdown of Epoque requests by type of search. It is striking that the submitted requests include an increasingly high number of ‘freedom to operate’ searches. This type of search offers clients the possibility to check whether their product would infringe on someone else’s patent, so they can minimise the risks when launching the product. Such searches are generally requested when regional bodies compile a grant application.

Chart 15. Searches in Epoque (2021) per type



Source: FPS Economy.

## 2.5.6. Customer Services

IPObel's Contact Point handles all questions addressed to IPObel and provides access to all information relating to intellectual property.

Regarding individual questions that were dealt with during the year, IPObel's Contact Point received support from IPObel's two legal services and from the FPS Economy's Contact Centre, which is in first line.

Table 18 summarizes the number of questions dealt with by the IPObel's Contact Point and its two legal services together. The statistics on the number of questions (by phone and via email) dealt with by IPObel's Contact Point in the various intellectual property areas are displayed.

No statistics on the number of visitors are included this year, as the FPS buildings were not accessible to the public as a result of the health situation.

Table 18. Questions treated on intellectual property

Phone calls	2017	2018	2019	2020	2021
Patents	851	797	761	764	555
Trademarks and models	661	448	300	383	278
i-DEPOT	208	141	79	127	97
Copyright	468	142	147	170	128
Total	2,188	1,528	1,287	1,444	1,058

EMAILS	2017	2018	2019	2020	2021
Patents	759	616	434	438	512
Trademarks and models	243	190	135	180	277
i-DEPOT	60	31	25	25	32
Copyright	171	195	181	240	305
Total	1,233	1,032	775	883	1,126

Source: FPS Economy.

In summary, IPObel answered in 2021 to a total of 2,184 requests. We can notice that contacts by email were preferred, in all categories, over phone calls.

The number of intellectual property related questions that the FPS Economy dealt with amounts to 2,905 (this including individual questions directly treated by the FPS Economy's Contact Center).

Regardless of the communication channel (by phone or by email) the majority of these are questions about patents.

### 2.5.7. For certified copies

A certified copy of a patent application may be required when claiming priority if a patent protection will be extended to other countries, or within the same country, but also when negotiating licenses, or in the case of a legal dispute. This document entails an official copy of the initial patent application as it was submitted.

These are the numbers of delivered certified copies of patent applications :

- 934 copies in 2017;
- 837 copies in 2018;
- 841 copies in 2019;
- 698 copies in 2020;
- 673 copies in 2021.

2020 and 2021 saw a large fall of the number of delivered certified copies, which is due to the COVID-19 pandemic.

It should also be noted that, in the interests of administrative simplification, and in view of the developments regarding the issue of electronic documents, the issue of certified copies became free of charge as from 1 December 2021. This happened following the amendment at the end of 2021 of the royal decree regarding the distribution of documents and information on industrial property, by the Intellectual Property Office

## 2.5.8. Events

As every year, IPObel organised and/or actively participated in information and awareness activities.

Table 19. Number of events organised by IPObel

	2017	2018	2019	2020	2021
Raising awareness / training	2	4	5	7	12
Organisation of seminars and webinars within the FPS Economy	1	2	1	2	4
Consultation days	16	15	12	11	14
Salon	0	0	1	0	0

Source: FPS Economy.

### Raising awareness and trainings

The target audience of the trainings and information sessions is usually quite diverse. The overview below gives an idea of the types of training organised over the past 5 years:

- Training for students: raising awareness about IPR among future entrepreneurs; the use of the free patent databases; working with bibliographical patent data;
- “Beginner” and “advanced” Espacenet trainings for a larger audience;
- Raising awareness of the various intellectual property rights for SMEs.

### Webinars

#### Webinar RFC (Request For Change)

In October 2021, 2 webinars were organised (one in French and one in Dutch) on the applications for the register; they brought together a total of 110 participants. The purpose of these webinars was not only to inform attorneys and paralegals about the organisation of the Register section dealing with these requests, but also to remind the rules and legal conditions for the filing and validating of the various requests for change.

#### Webinar IPforYou

On 13 December 2021, IPObel organised in collaboration with EUIPO and BOIP two webinars (one in French and the other in Dutch) as part of the “IPforYou” actions, targeting an audience of IP specialists.

During this webinar, experts (including from BOIP and EUIPO) presented initiatives for IP professionals, focusing on initiatives relevant for small and medium-sized enterprises and start-ups.

The main themes discussed were:

- Proof of use ;
- Reputation of earlier trademarks: case law examples;
- Alternative dispute resolution and IP.

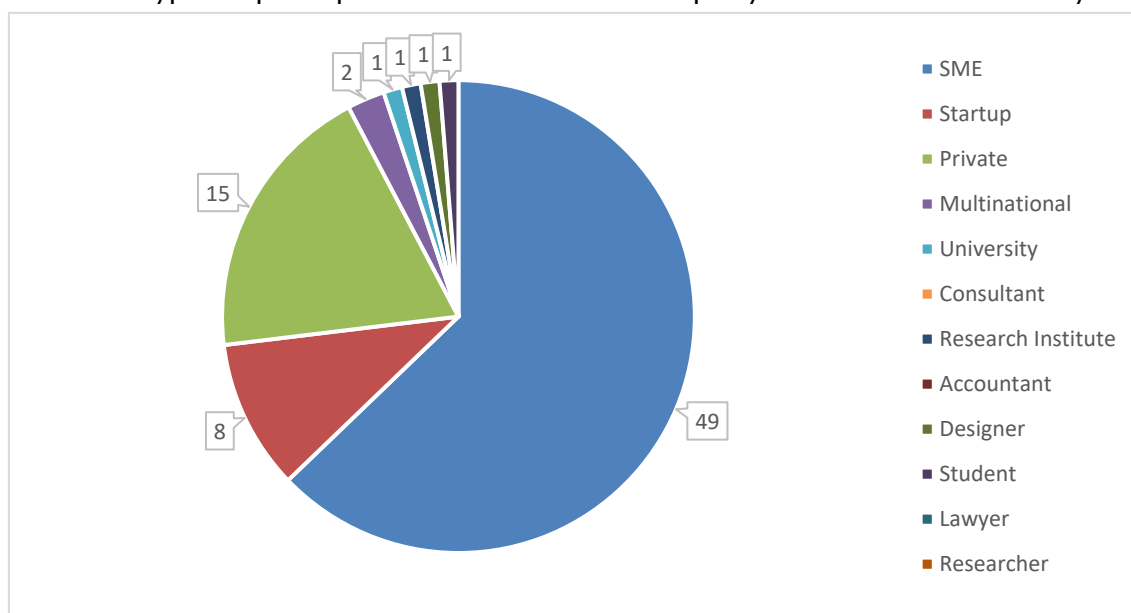
In total 87 participants joined the webinar.

## Consultation days

In cooperation with regional partners, IP consultation days are regularly organised during which participants (SMEs, Start-ups, students, etc.) can get advice on the IP rights protection from IPOBel experts.

144 days in total were held exclusively online, via videoconferences, with the support of VLAIO in Flanders and UCM, UMONS and Azimut in Wallonia.

Chart 16. Types of participants of the Intellectual Property Office's consultation days



Source: FPS Economy.

By looking at the appointments taken with our experts, we notice that the participants worked mainly in these technical fields: “transport and vehicles”, “software and AI” and “construction”.

These are the five most frequently asked questions:

1. What is the level of patentability of this idea?
2. Which procedures do I need to follow in order to obtain a patent?
3. What is the cost of a patent application?
4. How can I check if an invention is already protected by a third party?
5. What are the conditions to be met for filing a patent application?

## 3. Collaboration with EPO and EUIPO

### 3.1. EPO

The Intellectual Property Office signed in November a cooperation agreement with the European Patent Office. This agreement fits into the framework of the implementation of the cooperation policy with the national offices of the Member States of the European Patent Organisation. Strengthening the national offices' expertise and developing converging practices at the level of the national offices for the benefit of patent system users, are some of the activities developed under this cooperation.

### 3.2. EUIPO

The EUIPO is working with the central Intellectual Property Offices of the Member States and with the BOIP, focusing on the convergence of practices and tools regarding trademarks, designs and models. This is done via a number of "European Cooperation Projects" (ECPs), enabling cooperation around a specific theme. During the course of 2021, the Intellectual Property Office signed a cooperation agreement with EUIPO for the first time, in order to be able to participate in ECP6. This cooperation project is aimed at supporting the SMEs with regard to information and access to all intellectual property rights. Within the framework of ECP6, IPObel participated in work groups that develop activities and services for SMEs. In the same context, IPObel also promoted the SME Fund in Belgium and received a contribution from EUIPO to write a practical guide on alternative dispute resolution and to update the Practical guide on intellectual property contractual clauses. At the end of the year, a new cooperation agreement was negotiated for 2022.

## 4. How to contact us

Federal Public Service Economy, SMEs, Self-employed and Energy

Intellectual Property Office

Rue du Progrès 50

1210 Brussels

Belgium

Tel : +32 800 120 33 (Contact Center, free of charge from Belgium)

Fax: + 32 800 120 57

Email: [info.eco@economie.fgov.be](mailto:info.eco@economie.fgov.be)

Internet: <https://economie.fgov.be/en/themes/intellectual-property>



## List of abbreviations

Benelux	Belgium, the Netherlands and Luxembourg
BOIP	Benelux Office for Intellectual Property
CBE	Crossroads Bank for Enterprises
CEL	Code of Economic Law
CPVO	Community Plant Variety Office
eOLF	Electronic Online Filing
EPA	European patent application
EPO	European Patent Office
EU	European Union
EUIPO	European Union Intellectual Property Office
FPS	Federal Public Service
FTA	Full-time Equivalents
IPObel	Belgian Intellectual Property Office
PATLIB	Patent Library
PCT	Patent Cooperation Treaty
PlayRight	Association for the Collection, Distribution and Defense of the Rights of Performers
PSW	Public Service of Wallonia
Sabam	Belgian Association of Authors, Composers and Publishers
Simim	Society of the Belgian Music Industry
SPC	Supplementary protection certificate
UPP	Unitary Patent Protection
WIPO	World Intellectual Property Organisation



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