

Annual report 2020

Intellectual Property Office



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

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Foreword

2020 will be remembered as the year of the Covid-19 pandemic outbreak that dramatically influenced the entire society, the economic, social and cultural activities and even our private lives. These circumstances forced us to implement measures in order to protect the health of the Intellectual Property Office's staff members, while also ensuring the continuity of the public service.

The motivation shown by the Intellectual Property Office's members, the guidance of these members by their managers and the modernisation of the IT tools in the last few years enabled the Intellectual Property Office to ensure the continuity of its activities throughout 2020, in the interest of users of the industrial property systems.

It has been a challenging year. However, the number of patent applications filed by Belgian companies in 2020 remained essentially equivalent to the number of applications filed in 2019. A total of 1,149 Belgian patent applications and 2,400 European patent applications were filed by Belgian companies in 2020, compared to 1,133 and 2,423 applications respectively in 2019. Moreover, 994 Belgian patents were granted in 2020. Finally, all Belgian patent applications filed before 1 January 2018 have been processed by the Office.

In addition, the Office implemented two new online features in 2020. Firstly, the online service My Page "Portfolio" grants patent attorneys and groups of patent attorneys a secure and electronic access to their patent portfolio data in the Intellectual Property Office's back office. The system also allows them to access the correspondence and documents in the patent files that they are managing. Furthermore, the Office provided access to DAS (Digital Access Service), the WIPO's system used for the electronic submission of priority documents during the procedure to grant a Belgian patent.

An important step was taken in 2020 with regard to intellectual property rights: the Interministerial Commission for the Fight against Counterfeiting and Piracy was established. This commission aims to coordinate the activities of the public institutions charged with the fight against criminal breaches of intellectual property rights.

Lastly, the Office published a guide on intellectual property contracts in order to provide information about this complex and economically important matter to small, medium and large businesses, business federations, universities, research centres and intermediaries who provide advice or support on intellectual property.

Come April 2021, when the final touches are made to this report,, we look back at 2020 with a certain sense of dismay, as well as awe: the pandemic was devastating and prompted tough measures, but we quickly readjusted our professional and private lives. We now hope that the health situation will allow us to permanently ease these measures in the course of 2021, for the benefit of all.

Jérôme Debrulle
Director-general a.i.

1. The Intellectual Property Office at a glance

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

The Intellectual Property Office 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: the Intellectual Property Office's activities include drafting 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. These include, among others, the institutional forum, which brings together representatives of regional institutions responsible for promoting innovation through intellectual property, as well as representatives of the IPObel (see below) 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 2020

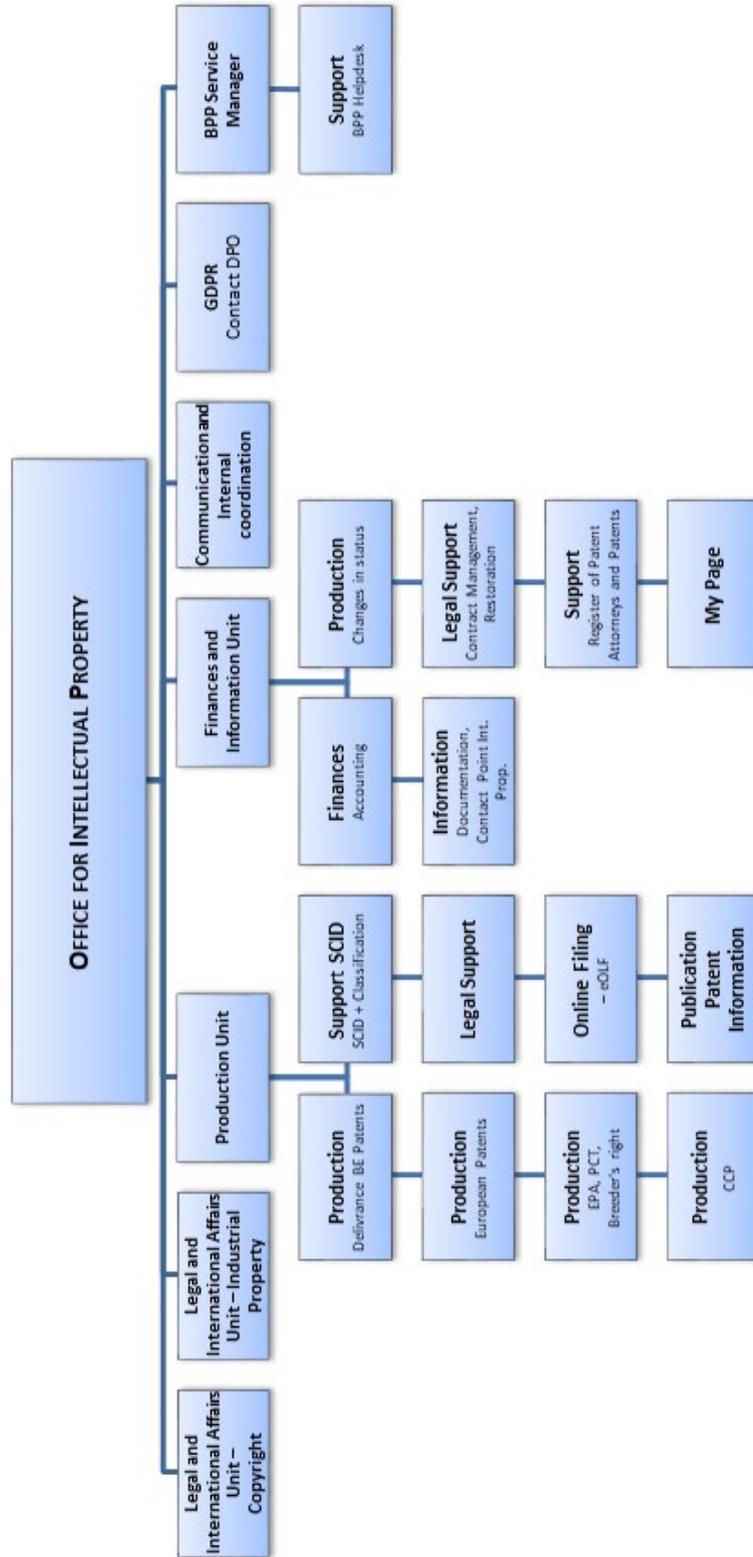


Table 1. Staff figures of the Intellectual Property Office
Situation as of 31.12.2020, in full-time equivalents.

Staff members' origin	Number (fte)
Legal and international affairs sections	7
Production, Finance and Information sections	3.1
Management (advisor-general and advisors)	5
Total	43.1
Distribution by level	
	Number (fte)
Level A, advisors and attachés	22
Level B, administrative experts	8.1
Level C, administrative assistants	7.8
Level D, administrative employees	5.2
Total	43.1

Source: FPS Economy.

2. 2020's highlights

2.1. Impact of the Covid-19 crisis

Since the outbreak of the Covid-19 crisis in Belgium in March 2020 several government departments, such as the Intellectual Property Office, had to implement measures in order to protect the health of staff members and to guarantee the continuity of the public service.

Most of the Intellectual Property Office's staff members have been working from home full-time since the outbreak. Working from home is made possible by the modern IT systems (including the Benelux Patent Platform) that have been implemented by the Intellectual Property Office in the last few years. These systems are used for submitting, publishing, granting, and managing patents and supplementary protection certificates. These systems allowed the Intellectual Property Office's staff to grant the same number of patents and certificates in 2020 as in previous years.

Notifications of expiry or loss of rights were sent to the correspondents by registered letter as usual, but also by email (as a so-called 'courtesy copy').

The Intellectual Property Office's eOLF module for electronic online submissions allowed Belgian and international clients and their professional representatives to submit their applications and documents regarding patents and supplementary protection certificates to the Intellectual Property Office from their home. Consequently, the number of applications for Belgian patents and Belgian supplementary protection certificates remained at the same level as in 2019.

Regarding copyrights, questions have been raised concerning the application of the existing regulatory framework on Covid circumstances and the closure of certain businesses (the hotel and catering industry, shops, libraries, schools etc.). Some of these questions led to voluntary measures being taken by right holders (such as the online publication of school materials). In addition, some users and right holders were able to reach an agreement or find an arrangement, while for others, issues are still being discussed.

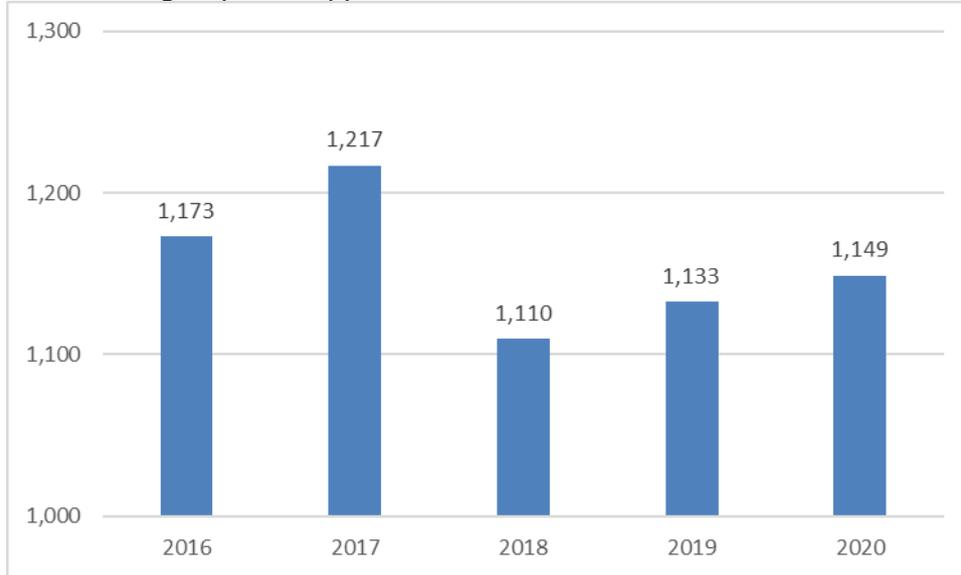
Besides this question regarding the legal implications, there is an ongoing discussion within the Council for Intellectual Property regarding the adoption of an exception into Belgian law. It concerns an exception to copyright as a matter of national security - possibly including public health - and administrative procedures (implementation of article 5 (3)(e) of the European Directive 2001/29). The Council gave a unanimously positive opinion regarding the adoption of such an exception.

2.2. Patents and supplementary protection certificates

2.2.1. Belgian patents

Belgian patent applications

Chart 1. Belgian patent applications

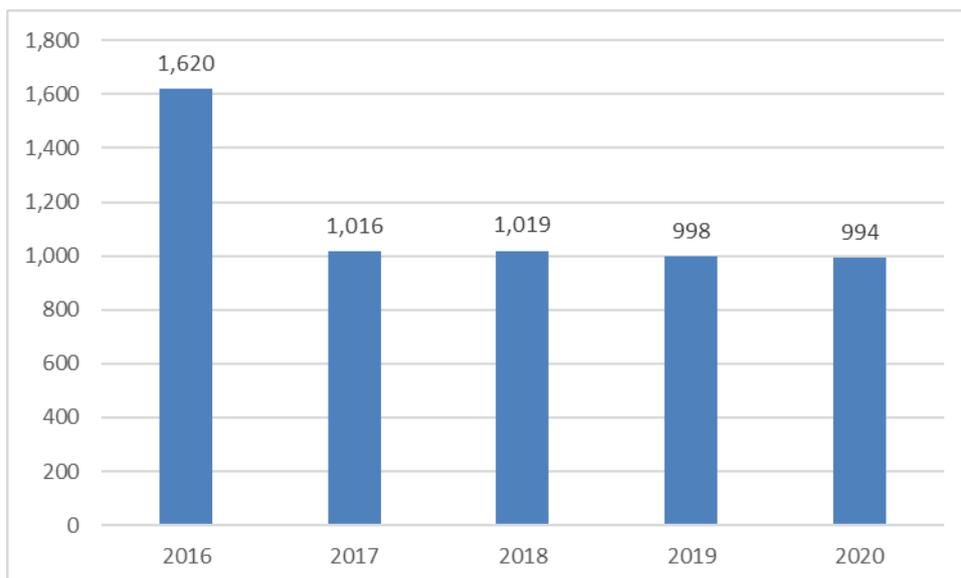


Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

The number of filed Belgian patent applications decreased by 9% in 2018 compared to 2017. Since then, the number has increased by 1-2% annually.

Granted Belgian patents

Chart 2. Granted Belgian patents



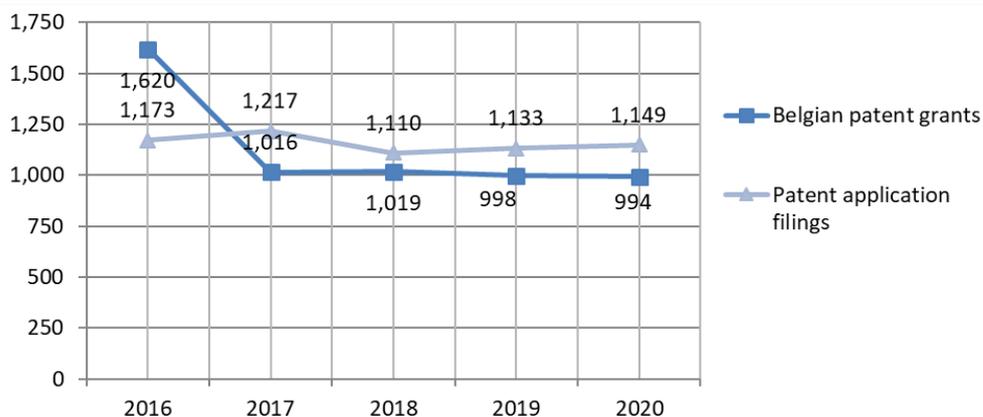
Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

After clearing the backlog of grant applications in 2016, the Office now grants approximately 1,000 Belgian patents per year. The grant applications backlog accumulated in the period 2014-

2015, when a new patent law came into force and a new IT system for patent management was introduced.

Belgian patents vs. patent applications

Chart 3. Belgian patents vs. patent applications



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

The balance established in 2018 between the number of Belgian patent applications filed and the number of Belgian patents granted was maintained in 2020. The number of granted patents is lower than the number of filed patents, due to some patents being withdrawn or rejected.

Geographical distribution of Belgian patent applications across the provinces and regions

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

		2017	2018	2019	2020
Flanders	Antwerp	184	161	165	166
	Limburg	69	86	86	50
	East Flanders	161	150	154	141
	Flemish Brabant	67	53	36	37
	West Flanders	181	136	202	226
Brussels		105	85	46	57
Wallonia	Hainaut	28	37	36	55
	Liège	100	111	100	65
	Luxemburg	8	5	2	2
	Namur	17	25	22	22
	Walloon-Brabant	80	42	26	38

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Patent novelties

Two Royal Decrees were published on 21 September 2020 as part of the project for continuous improvement of regulation, which was launched within the Intellectual Property Office. The amendments are made based on the experience acquired by the Office on the one hand, following the application of the Code of Economic Law and its implementing decrees, and the consultation of involved parties on the other hand.

The first decree is the Royal Decree of 21 September 2020 amending various regulatory provisions concerning patents and supplementary protection certificates. The modifications concern in particular:

- the dates on which the annual fees of European patents are paid when a European patent is converted into a national patent;
- the use of the Digital Access Service (DAS database) of the World Intellectual Property Organisation by patent applicants and by the Intellectual Property Office,
- various formal aspects concerning patent applications; the deadline for the submission of divisional applications;
- and the payment date of the annual fees for divisional applications.

The main purpose of the Royal Decree is to clarify and simplify administrative procedures.

The second decree is the Royal Decree of 21 September 2020 regarding the distribution of documents and information on industrial property, by the Intellectual Property Office. This decree is intended as an update of two previous decrees and aims to centralise the non-outdated parts in a single Royal Decree. The outdated elements, which have been thus removed, include:

- the reference to the Office's library (that no longer exists);
- the sending of documents by fax;
- reproduction media such as aperture cards; microfiches and CD-ROMs;
- the sending of minutes and confirmed depositions regarding brands, designs and models;
- the possibility for a private individual to carry out searches at the Office by himself;
- the possibility to pay in cash.

The fees for a series of services offered to the users have also been updated, considering the general increase in prices, including the price of paper. Finally, the fees have been adjusted in accordance with the provisions of the Royal Decree of 18 December 1986 concerning fees and additional fees for patents and supplementary protection certificates.

Reform of the patent attorney profession

The law of 8 July 2018 containing provisions to protect the title of patent attorney further regulates the profession of patent attorney in Belgium. The existing legislative framework is elaborated and contains three key points:

- Firstly, access to the profession is refined for patent attorneys who are established in other EU Member States and wish to provide services in Belgium.
- Secondly, an Institute for Patent Attorneys has been created, of which all patent attorneys working in Belgium will be members. It will be responsible for the representation of the profession, the enforcement of ethical rules and the organisation of continuous training.
- Thirdly, membership of the Institute will go hand in hand with the protected title of "patent attorney", professional secrecy, an insurance obligation and a right to speak in patent disputes before the Belgian courts and tribunals.

The law of 8 July 2018 is implemented by two Royal Decrees that include, among others, a disciplinary regulation applicable to patent attorneys, further rules on membership of the Institute and further rules on compulsory insurance. The package will enter into force in stages. The first stage started on 1 December 2020. Within that framework, the first general assembly of the Institute for Patent Attorneys will be held in the first semester of 2021. During this meeting, the Institute's official bodies will be elected and the propositions for the internal rules and regulations will be approved, among other things. Aspects of the reform, that have not yet enter into force during the first stage, such as the new procedure for access to the profession for free service providers, protecting the professional title, professional confidentiality, compulsory insurance, and the right to speak. These will enter into force during the second stage, expected to start at the beginning of 2022.

Patentability of inventions regarding plants and animals

As of 1 July 2017, the Administrative Council of the European Patent Office amended Rule 28 of the Implementing Regulations of the European Patent Convention (EPC) by clarifying that the Convention not only excludes essentially biological processes used to obtain plants and animals from patent protection, but also excludes plants and animals obtained by such processes. The

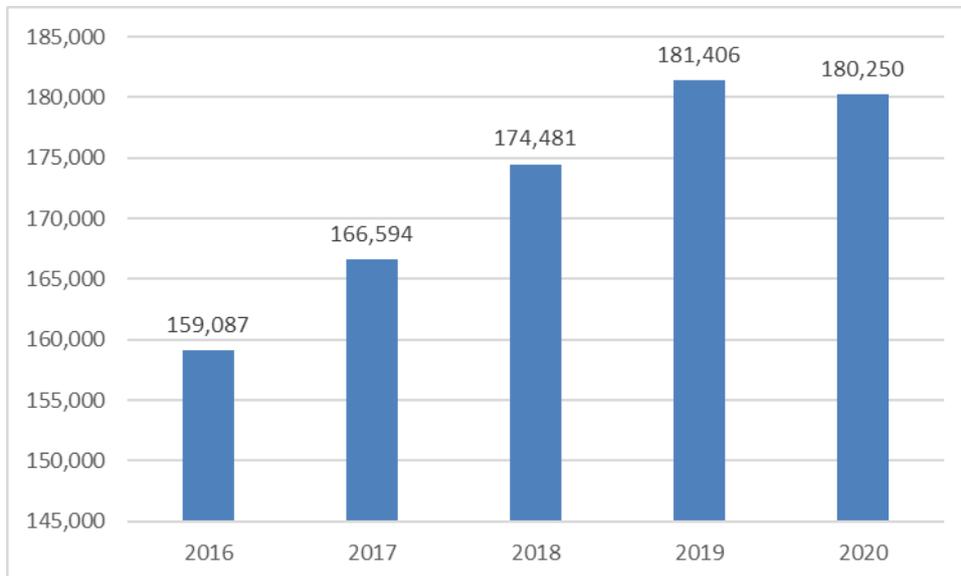
Administrative Council considered it necessary to align the legal framework of the Office with the position of the European Commission, considering that Directive 98/44/EC on the legal protection of biotechnological inventions excluded such plants and animals from patent protection. An earlier decision (in the merged "Tomatoes II" and "Broccoli II" cases) of the Enlarged Board of Appeal of the European Patent Office (EPO) had raised questions about the scope of the patentability of biotechnological inventions within the European patent system. At that time, this Board ruled that the EPC did not exclude plants and animals obtained by means of essentially biological processes from patent protection.

In December 2018, an EPO Technical Board of Appeal decided that the new Rule 28 of the EPC does not comply with the patent protection exclusion for essentially biological processes used to obtain plants or animals in Article 53 of the EPC, as interpreted by the Enlarged Board of Appeal in the merged "Tomatoes II" and "Broccoli II" cases. Following this decision, the President of the EPO referred questions on the compatibility of Rule 28 with Article 53 of the EPC to the Enlarged Board of Appeal in April 2019. The Enlarged Board ruled that there is no contradiction between both legal provisions on 14 May 2020. The Board referred to the various developments that have occurred since the rulings in the merged cases "Tomatoes II" and "Broccoli II", both within the European Patent Organisation as in its member states. As such, the ruling fully clarifies that the EPC does not only exclude essentially biological processes used to obtain plants and animals from being protected by patents, but also the plants and animals that are obtained by these processes. The Belgian national patent law excludes such protection as well.

2.2.2. European and international patent applications (PCT)

European patents

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



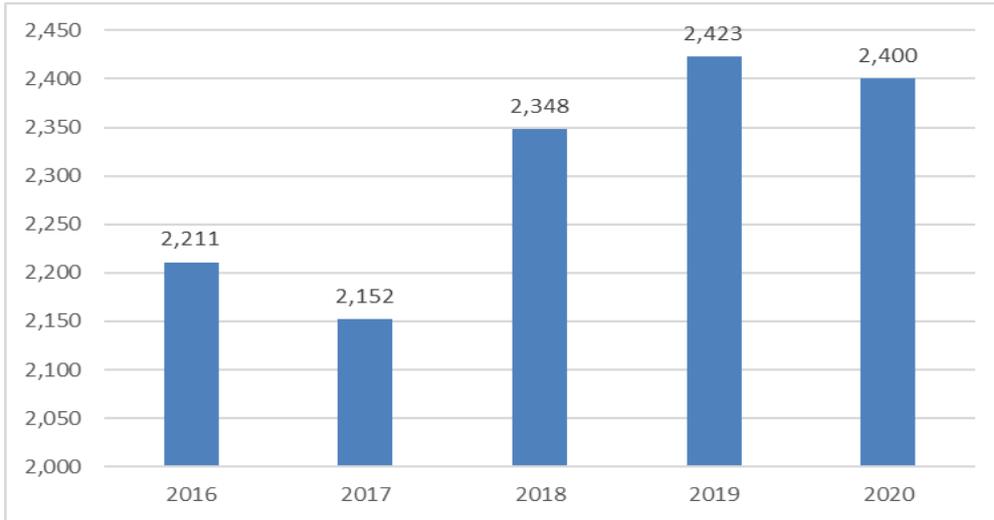
Source: EPO Patent Index 2020 (released: 16.3.2021).

Some notable facts on European level:

- innovation in healthcare drove patenting activity in 2020;
- Steady demand for patent protection at the EPO despite pandemic;
- Healthcare inventions on the rise, digital technologies still seem interesting, transport sector decreases;
- Strong growth from China and South Korea; European, Japanese and US inventors file fewer patent applications;
- Samsung, Huawei and LG top the applicant ranking;
- Belgium is ranked 13th among the most common countries of origin of the patent applications in 2020.

[Source: EPO press release "Patent index 2020" – 16.03.2021]

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



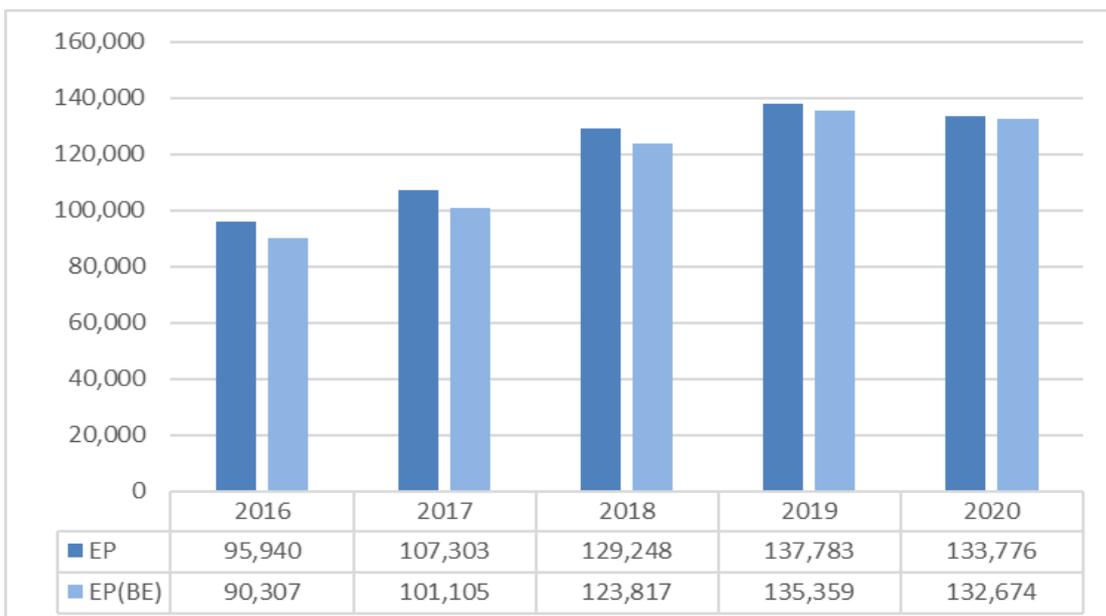
Source: EPO Patent Index 2020 (released: 16.03.2021).

The number of European patent applications from Belgium remains high, thanks to the strong growth in medical innovation:

- Belgian innovators filed almost as many applications with the European Patent Office in 2020 as in 2019;
- the number of patent applications for medical technology increased by 42.5% while the transport sector’s applications decreased by 15%;
- medical innovations account for almost a quarter of Belgium’s total;
- the biggest Belgian applicants are Solvay, IMEC and Umicore;
- Concerning the origin of the patent applications, Flemish Brabant is ranked first of all Belgian provinces. As far as regions are concerned, Flanders heads the list with 1,580 applications (+5.1%), representing 65.9%, followed by Wallonia (19.9%) and the Brussels-Capital Region (14.2%).

[Source: EPO press release “Patent index 2020” – 16.03.2021]

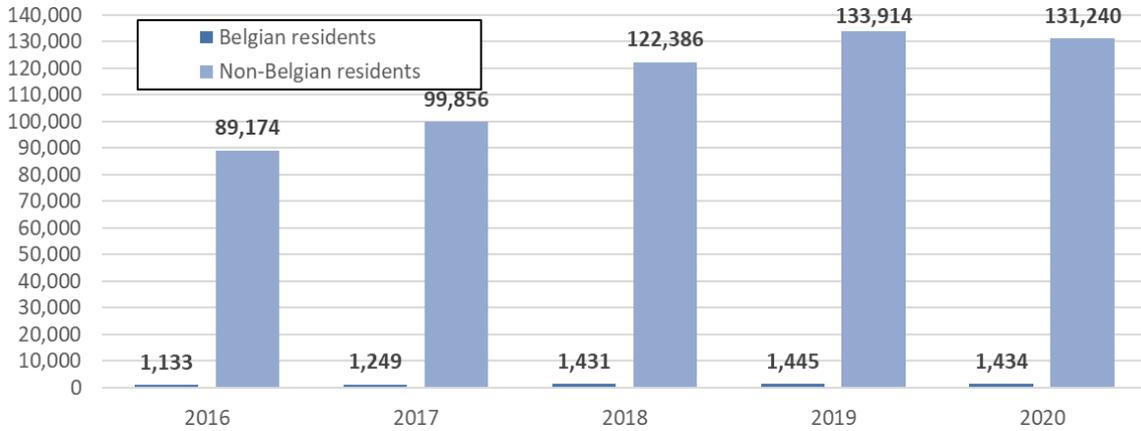
Chart 6. Granted European patents (EP) and granted patents designating Belgium (EP(BE))



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Belgium was designated in more than 99% of the European patents granted in 2020. Despite a slight decrease in the total number of granted patents, the trend of previous years remains.

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



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

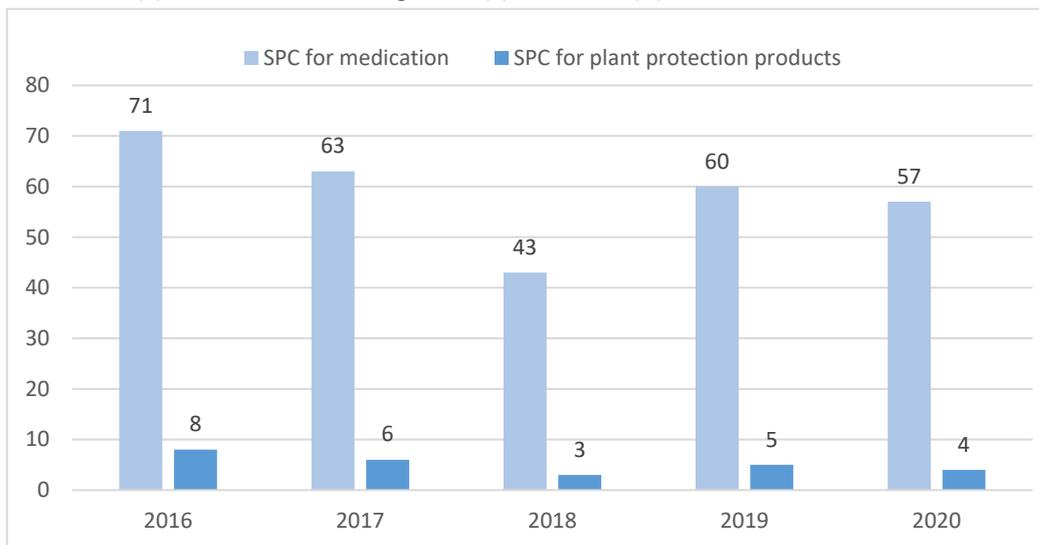
Approximately 99% of the European patents designating Belgium granted in 2020 have a patent holder established abroad. This percentage confirms the trend observed in previous years.

UPP-UPC

Reforming the unitary patent and the Unified Patent Court is especially important to relaunch the economy, given the current challenges faced by companies and member states during the covid-19 pandemic. The reform still requires the ratification by Germany of the Agreement on a Unified Patent Court before it can enter into force. The ratification procedure has been delayed due to a procedure started before the Constitutional Court. Following this procedure, the Bundestag approved the government bill on the abovementioned Agreement and the Protocol on its provisional application. For the reform to enter in its final stage, two other signatory states still must agree to be bound by the Protocol on provisional application if the reform is to enter its final stage.

2.2.3. Supplementary protection certificates (SPC)

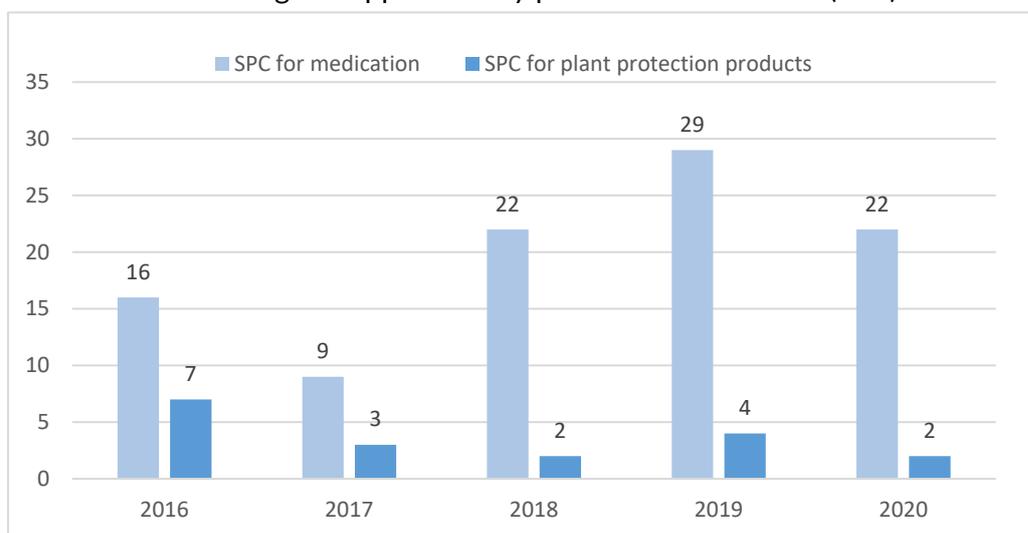
Chart 8. Applications for a Belgian supplementary protection certificate (SPC)



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Compared to 2019, the number of SPC applications decreased by 6 % in 2020.

Chart 9. Granted Belgian supplementary protection certificates (SPC)



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

First, the Office processes the Belgian SPC files 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.

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

Year	2016	2017	2018	2019	2020
Number of paediatric SPC extensions granted	8	9	6	10	14

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

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

Year	2016	2017	2018	2019	2020
Number of paediatric SPC extensions granted	3	8	8	6	7

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

The number of paediatric extension applications for SPCs has increased by 40 % in 2020 compared to 2019, while the number of granted paediatric extensions remained similar.

2.2.4. Plant variety certificates

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

Year	2016	2017	2018	2019	2020
Number of applications for a Belgian plant variety certificate	4	3	2	2	2

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Just like in 2019, only 2 applications for a Belgian plant variety certificate were filed in 2020. Most of the (Belgian) breeders directly apply for an EU plant variety right.

Table 6. Granted Belgian plant variety right certificates

Year	2016	2017	2018	2019	2020
Number of Belgian plant variety certificates granted	1	1	0	4	5

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Applications for Belgian plant variety certificates are submitted to scientific tests, which may take one or more years, depending on the plant variety. Consequently, the number of granted plant variety right certificates within a certain period does not always keep pace with the number of applications for a plant variety right certificate within that same period.

Novelties regarding plant variety rights

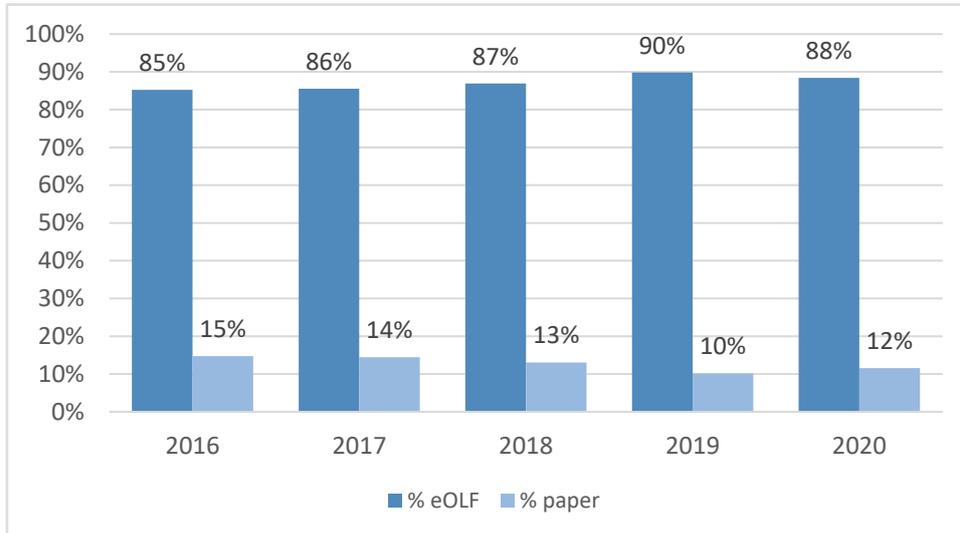
The [Plant Variety Protection Council's composition](#) was established by the Ministerial Decree of 6 July 2020 appointing the members of the Plant Variety Protection Council. The term of office is five years.

The Council's task is to advise the Minister of Economy on issues relating to the protection of plant varieties.

2.2.5. Electronic Online Filing (eOLF)

The use of eOLF in 2020

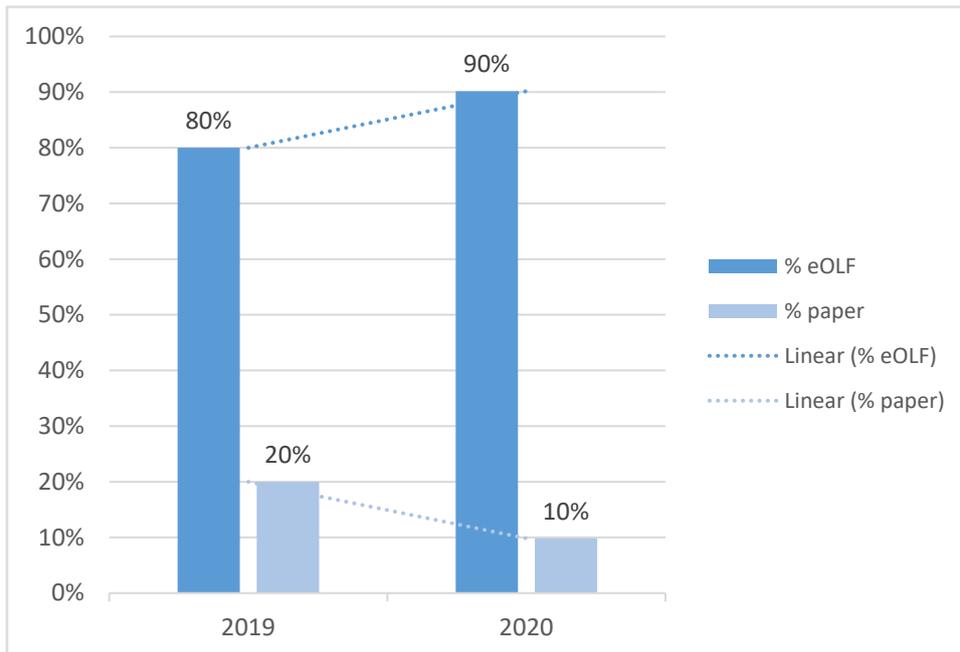
Chart 10. Electronic filing (eOLF) vs. paper applications of Belgian patents



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

In 2020, 88% of Belgian patent applications were filed online.

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



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Two years after its launch, the eOLF plug-in, which allows filing an application for a Belgian Supplementary Protection Certificate (SPC) electronically, is used for 90% of the SPC applications.

2.2.6. Registration section's activities

Restoration applications

In case of non-compliance with some of the applicable time limits regarding proceedings before the Office, the patent holder may obtain the restoration of his or her rights through a restoration procedure. Tables 7 and 8 show statistics regarding the decisions taken as to restorations between 1 January 2017 and 31 December 2020.

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

	2016	2017	2018	2019		2020	
	Number	Number	Number	Number	%	Number	%
Requests	50	22	21	21	100	23	100
Annual fees	41	12	20	20	95	22	96
European patents validation	7	8	0	0	0	0	0
Priorities	0	0	0	1	5	0	0
Other	2	2	1	0	0	1	4

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Table 8. Decisions following an application for restoration

	2016	2017	2018	2019		2020	
	Number	Number	Number	Number	%	Number	%
Definitive decisions	53	37	35	10	100	24	100
Restoration	45	33	22	7	70	17	71
Rejection	8	4	13	3	30	7	29

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Regarding the outcome of the applications, the tables show that:

- In 2020, a total of 24 decisions were taken, which is much more than in 2019. This can largely be traced back to a relatively large number of restoration applications filed at the end of 2019 for which a final decision was given in 2020.
- In 2020, 24 decisions were taken, whereof 17 approvals and 7 rejections. In percentage, that is similar to 2019.
- As of 31 December 2020, 12 files are still being processed; those are applications for which an intention of rejection has already been sent or applications for which no decision has been taken yet.

Applications for entry in the patent register

Table 9 lists the number of applications for entry during the last 4 years by category. The three most common types of applications concern changes of ownership, address and representation

Table 9. Applications for entry in the patent register

	2016	2017	2018	2019		2020	
	Number	Number	Number	Number	In %	Number	In %
Change of holder	874	1,007	1,001	1,197	54	1,134	54.5
Change of address	286	378	483	542	25	454	21.8
Change of attorney	110	259	350	433	20	450	21.6
License	27	23	19	16	0.6	27	1.3
Pledge	16	11	5	12	0.4	14	0.7
Total	1,313	1,630	1,812	2,200	100	2,079	100

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Please note that a single change request file 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 exam for the attorneys applying for entry in the Belgian patent attorney register. Passing this exam is an obligatory condition to be recognised as an attorney and thus for entry in the register of recognised patent attorneys.

Table 10 shows the number of candidates who passed the exam, per year in which the exam was taken.

Table 10. Results of the Patent Attorney Examination

	2016	2017	2018	2019	2020
Passed patent attorneys	6	3	8	13	13

Source: FPS Economy.

2.2.7. Finances of the Intellectual Property Office

Patents & supplementary protection certificates (SPC)

Tables 11 to 14 show the revenues collected by the IPObel during the budgetary years 2016 to 2020.

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

In euro

	2016	2017	2018	2019	2020
Annual fees BE (incl. SPC)	614,830.00	680,585.00	706,945.00	771,510.00	809,045.00
Annual fees EP	9,434,982.50	9,928,737.50	9,911,247.50	10,516,010.00	10,889,167.50
Sent annual fees EPO	9,112,647.50	9,584,937.50	9,557,897.50	10,138,240.00	10,455,677.50
Total annual fees	19,162,460.00	20,194,260.00	20,176,090.00	21,425,760.00	22,153,890.00

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Compared to 2019, the total paid annual fees (for Belgian patents and European patents with effect in Belgium) increased by 5.08 % in 2020, or by 14.96 % compared to 2018.

Processing fees receipts (Belgian patents)

Table 12. Processing fees receipts, Belgian patents

In euro

	2016	2017	2018	2019	2020
Filing fee	77,975.00	71,075.00	66,350.00	70,425.00	72,475.00
Priority fee	974.00	412.00	1,050.00	650.00	250.00
Research fee	333,378.00	304,800.00	323,700.00	306,594.00	330,300.00
Special fee (regularisation + rectification)	7,386.00	4,296.00	4,974.00	3,326.00	8,395.00
Total processing fees	419,713.00	380,583.00	396,074.00	380,995.00	411,420.00

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Partly due to the increase in the number of commissioned research reports, we observe in 2020 an increase in the processing fees receipts.

Table 13. Total IPObel revenues

In euro

	2016	2017	2018	2019	2020
Total revenues	19,769,873.00	20,728,857.00	20,581,988.00	21,806,755.00	22,565,310.00

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

Over the period 2016 to 2020 we observe an increase of revenue of almost €3 million, probably due to:

- the increase in the renewal fees by 10 percent on average since 01/01/2016;
- the London Protocol's implementation on 01/01/2017; and
- the significant increase in BE and EP renewal fees paid every year.

Plant variety rights

Table 14 shows the revenue statistics for the budgetary years 2016 to 2020. Between 2016 and 2020, those revenues drop. That decrease can be attributed to the fact that many right holders prefer European protection to national protection.

Table 14. Revenues from plant variety rights

In euro

	2016	2017	2018	2019	2020
Annuities, filing fees and priority fees	14,410.00	11,495.00	11,954.00	9,914.00	9,320.00

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2020).

MyPage

MyPage is an online service that provides secure electronic access to the patent and SPC files 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. The "Portfolio" functionality allows representatives and groups of representatives to consult and manage the data relating to their patent portfolio, as well as the correspondence and the documents 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 tables 15 and 16.

Table 15. Number of accesses to the "Payer" functionality

	2018	2019	2020
Total number of accesses featuring the "Payer" functionality	50	77	96

Number of payment orders via MyPage

Not only has the number of payment orders via MyPage tripled between 2018 and 2020, but we also note that, as of 31/12/2020, half of the financial transactions are executed via MyPage, which shows the users' interest in MyPage.

Table 16. Number of payment orders

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

Number of "portfolio" accesses:

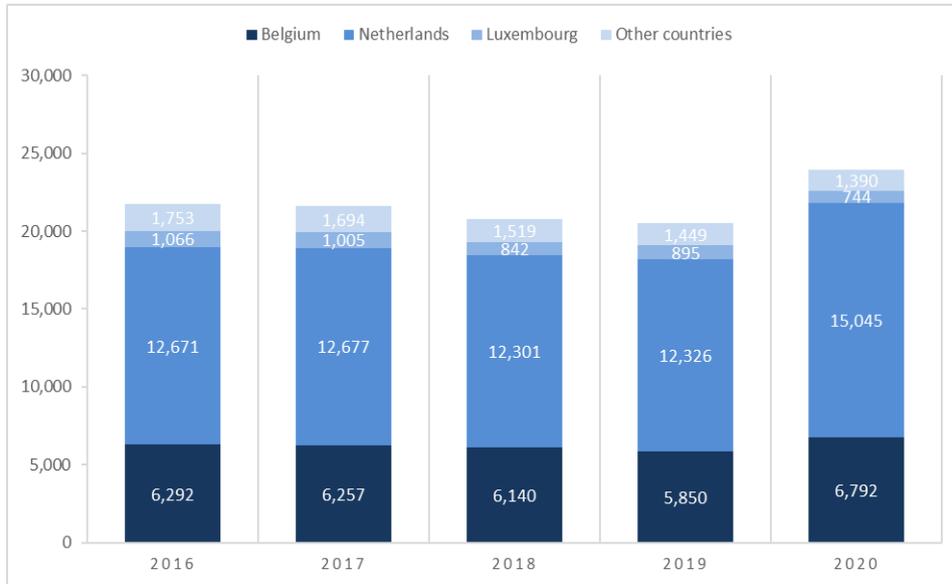
The Portfolio functionality is available since 19/10/2020. As of 31/12/2020, the IPO had granted 15 Portfolio accesses.

2.3. Rights concerning trademarks, models and designs

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

2.3.1. Origin of the Benelux trademarks applications

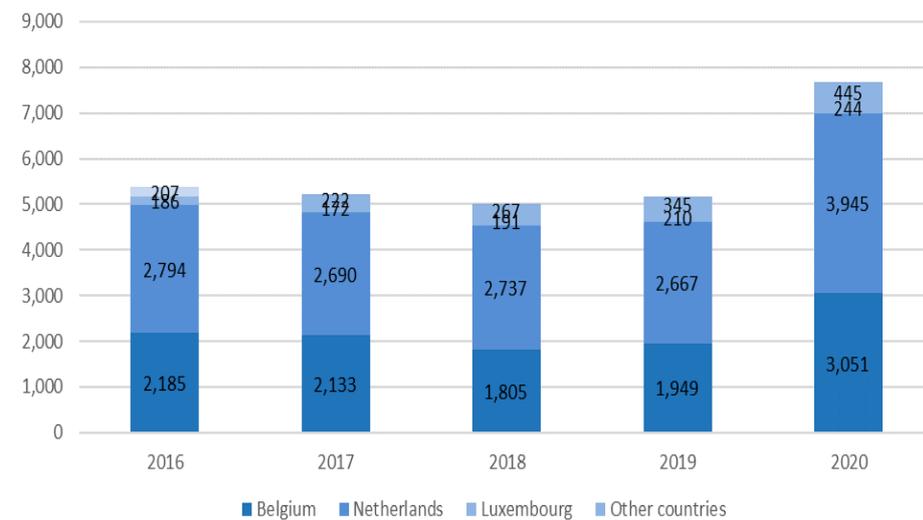
Chart 12. Origin of the Benelux trademark applications



Source: Benelux Office for Intellectual Property (BOIP).

2.3.2. i-DEPOT e-filings per country of application

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



Source: Benelux Office for Intellectual Property (BOIP).

To promote i-DEPOT, the BOIP allowed all users to submit, free of charge and without restrictions, i-DEPOTS for a whole month (June 2020), which explains the remarkable 56.5 % rise in submissions made by Belgian applicants. This also can possibly be explained by the fact that, because of the corona pandemic, many people finally found the time to develop their innovative ideas further and decided to set the date of creation.

2.4. Copyright and related rights

Many changes were implemented at national level in the field of copyright in 2020, in particular in the following areas: adaptation of legislation on private copying.

2.4.1. Music now regulated via a single license thanks to Unisono

On 17 May 2019, two Royal Decrees were adopted so that organisers of temporary events, the catering sector, businesses, hairdressers, beauticians and other service providers, cultural centres, youth centres, cinemas, associations, the public sector and companies have to submit only one declaration for the use of music. These Royal Decrees entered into force on 1 January 2020. Today, there is Unisono, a one-stop shop for music. In the past, there had to be a declaration and a payment for copyrights (with SABAM) on the one hand and for the equitable remuneration on the other hand.

2.4.2. Copyright in the digital single market

In 2019, an important and very comprehensive European directive in the field of copyright was adopted. This directive must be transposed by 7 June 2021. Specifically, it concerns Directive 2019/790 of 17 April 2019 on copyright in the digital single market. The directive covers a wide range of subjects, which can be subdivided into the following sections:

- Four new mandatory exceptions;
- Wider access to out-of-commerce contents;
- Improvement of the right holder's position;
- Measures to ensure appropriate and equitable remuneration for authors and performers.

The Intellectual Property Council, section "Copyright and related rights", met regularly to discuss the transposition of Directive 2019/790 between 19 June 2019 and 19 June 2020, the day the opinion was definitively adopted. Following a general discussion on the Directive, more targeted discussions took place at different stages on the basis of working documents (in the form of draft provisions and a draft explanatory memorandum). The [opinion](#) was finally adopted at two video-conference meetings of the Intellectual Property Council on 4 and 19 June 2020. Work on the transposition of this Directive will continue in 2021.

2.4.3. Updating of the Satellite Broadcasting and Cable Retransmission Directive

In 2019, Directive (EU) 2019/789 was adopted in the audiovisual sector. This Directive complements the existing 1993 Directive 93/83/EEC on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission.

Directive 2019/789 introduces a number of new rules concerning ancillary online services, retransmission and direct injection technique.

In order to transpose this Directive, the concerned stakeholders were extensively consulted, on the one hand within the framework of the Intellectual Property Council, and on the other hand, within the framework of the Audiovisual Consultation Committee. The meetings of both bodies resulted in two opinions issued on 29 October 2020 then merged into a single document. This document is available on the [FPS Economy's website](#).

Work on the transposition of this Directive will continue in 2021.

2.5. Subjects concerning IP as a whole

2.5.1. Enforcement of intellectual property rights

Interministerial Commission for the fight against counterfeiting and piracy

The phenomenon of counterfeiting has an important impact on all products, all sectors and all types of businesses, and it is expanding through e-commerce. Studies on this topic continue to show that counterfeiting has a major negative impact on economy, employment and consumer safety and health.

The Interministerial Commission for the fight against counterfeiting and piracy (CILCP) was established by the Royal Decree of 4 May 2020. As stated in the Royal Decree, the main lines of action of this commission are:

- coordinating the activities against counterfeiting and piracy of intellectual property rights and creating synergies;
- collecting, analysing and spreading information;
- training institutional actors;
- raising public awareness and formulating recommendations.

The inaugural meeting of the Interministerial Commission for the Fight against Counterfeiting and Piracy (CILPC) took place on 10 November 2020. It is intended to become a forum for reflection and better coordination of measures to combat the counterfeiting and piracy of intellectual property rights.

Enforcement of copyright on the Internet

In 2020, a preliminary draft law was also finalised on the enforcement of copyright and related rights on the Internet. The Council for Intellectual Property issued an [opinion](#) on this preliminary draft in 2020, which can be consulted on the website of the FPS Economy, after the Council had already issued an [opinion](#) in 2012 on the global issue of copyright enforcement on the Internet.

The draft provides for a new summary procedure to be able to quickly and effectively put an end to large-scale online infringements of copyright, related rights and the sui generis right of databases.

Work on this draft law will continue in 2021.

2.5.2. Practical guide on intellectual property contractual clauses

A Practical Guide on Intellectual Property Contracts and Contractual Clauses has been drawn up by the FPS Economy in order to inform target groups (companies, business federations, universities, research centres, industrial property representatives, lawyers, public institutions responsible for promoting innovation, in-house lawyers, Patlib centres, collective management societies, etc.) of the provisions relating to intellectual property contracts, as well as to strengthen their knowledge and therefore their position during contractual negotiations, but also during the drafting, the execution and the termination of contracts. This guide covers a wide range of situations (pre-contractual phase, transfer of rights, licences, commissioned creations, creations in the context of an employment contract, etc.) in order to inform the public as comprehensively and accurately as possible about the possibilities available to the parties to define or to share the intellectual property rights that arise or are executed during the performance of the contract. The guide includes a description of the applicable legal provisions and recommended formalities. It also contains examples of standard clauses and checklists of useful or necessary elements that should be included in such contracts. Finally, the guide provides an overview of institutions, organisations and services that can assist in the drafting, negotiation or monitoring of IP contracts. The Intellectual Property Office presented the guide in a webinar with the collaboration of the law firm Altius, which developed the guide.

2.6. Communication and awareness

2.6.1. Practical guide on intellectual property contracts and contractual clauses

On 9 November 2020, the "[Practical guide on intellectual property contracts and contractual clauses](#)", a creation of the IPObel 's Legal Service and the law firm Altius, was published on the FPS Economy website and made available to everyone free of charge.

This practical guide, which was prepared on the initiative of the FPS Economy:

- informs you about the different aspects of intellectual property agreements;
- updates your knowledge and thus strengthens your position in contractual negotiations, in the drafting of agreements, their execution and their termination;
- describes numerous situations such as commissioning contracts, licence, transfer and employment agreements, R&D partnerships, etc.

In order to keep the information in the guide up-to-date and available, it will be regularly updated and modified.

The IPObel has communicated on this subject through the usual channels: the FPS Economy website, the newsletter, social networks and the dissemination of information via its partners.

Following the publication of the "[Practical guide on intellectual property contracts and contractual clauses](#)", the Intellectual Property Office took the initiative to organise a webinar, together with the law firm Altius on "How to deal with intellectual property rights within the scope of contractual relations?"

Considering the stringent sanitary measures, this webinar was the most appropriate form to discuss the subject. The French language session had 120 participants and the Dutch language session had 101 participants. Participants included lawyers, attorneys, representatives of small, medium and large companies, and representatives of the regions.

The recordings of the webinar will remain available for some time via the '[Practical Guide](#)' [webpage](#).

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

As usual every year, the IPObel invites patent attorneys to participate in a consultation meeting on the application of Belgian patent law.

This meeting was held on 20 November 2020, in the form of one of the first major seminars organised by the IPObel, with the support of the DG Communication of the FPS Economy, and brought together around 80 patent agents and some twenty staff members of the Office.

The main topics discussed during this consultation were:

- the use of languages;
- the use of the WIPO Digital Access Service;
- the revision of the working agreement with the EPO for search reports;
- the time limit for filing a divisional application;
- the A1/B1 publication;
- the state of play regarding MyPage;
- the Institute of Patent Attorneys;
- the power of representation;
- the action plan on intellectual property information.

2.6.3. Synergy with BOIP

The IPObel and the BOIP have been working together for more than 10 years to provide companies and the academic world with an overview of intellectual property rights, through the joint participation in awareness-raising sessions, training workshops, organisation of consultation days, etc.

In recent years, our two offices have sought to develop and intensify this collaboration, by giving it more structure and by cooperating in the sense of a real partnership. In 2020, this cooperation allowed the launch of a French-language version of the "ideeSCAN" tool online, as well as the launch of three other major projects that will take shape in 2021.

ideeSCAN

In 2020, the Flemish Agency for Innovation and Entrepreneurship (VLAIO), the [Benelux Office for Intellectual Property](#) (BOIP) and the IPObel joined forces to develop a French version of this tool, which provides easily accessible information to the public on how to protect an "idea".

In concrete terms, the [ideeSCAN](#) online tool consists of an anonymous online questionnaire based on Belgian and Benelux intellectual property legislation. It is already available in Dutch and French. Based on a series of simple questions, which can be answered in only 10 minutes, the user will receive a free summary document providing concrete information on intellectual property rights based on his answers.

Given the close cooperation between the two bodies and the IPObel, a page dedicated to [ideeSCAN was added to the IPObel website](#) and the tool was communicated through the usual channels.



2.6.4. Synergy with the regions

Institutional Forum on Industrial Property

This forum brings together, on a voluntary basis, all the public players who, at the federal and regional levels in Belgium, are responsible for informing and raising the awareness of the general public with regard to industrial property. This forum's members are the Intellectual Property Office, which is part of the federal government, and the institutions, which are governed at a regional level: VLAIO for the Flemish Region, Innoviris and Hub for the Brussels Region, and Sowalfin and the Operational Directorate-General in charge of the Economy, Employment and Research of the SPW for the Walloon Region.

The objectives of this forum are to:

- enable all the institutional players to inform each other about each other's projects and activities aimed at informing and raising public awareness on industrial property. Emphasis is placed in particular on projects and activities aimed at a certain number of target audiences such as SMEs, research centres, universities, etc.;
- establish synergies on a voluntary basis between the various institutional players.

In 2020, several activities have been set up with the support of the Forum:

- The creation of an overview "Institutions actively involved in promoting innovation through intellectual property";
- The translation of the new ThatsIP module, French version, in collaboration with BOIP, SPW Economie, Sowalfin and Innoviris (this tool will be available online in spring 2021);
- The Forum made it possible to develop continuously joint communication actions in an effective and exponential way;

Forum representatives actively contributed to the webinar on the "Practical Guide on Intellectual Property Contracts and Contractual Clauses", by assuming the role of speaker.



E-LEARNING INTELLECTUAL PROPERTY

Inventory of institutions actively involved in the promotion of innovation through intellectual property

The promotion of innovation is a key factor for the competitiveness of the European economy. Since intellectual property is one of the main instruments for promoting and enhancing of innovation, it is important that companies, and especially SMEs, universities, research centres, IP professionals and business federations are informed about the instruments for promoting innovation through intellectual property.

To this end and with the help of our regional partners (VLAIO, HUB, Innoviris, SPW-EER and Sowalfin), an inventory of the institutions in charge of promoting innovation through intellectual property was made.

All institutions were contacted and invited to subscribe to this initiative. By using a standardised questionnaire, standard cards were drawn up and converted into web pages. These were included on the [FPS website](#) and can be consulted under the heading "Institutions and actors".

A classification was made on the following basis:

1. [Intellectual property offices](#)
2. [Regional bodies](#)
3. [Patent cells/PATLIB Centres](#)
4. [Universities, colleges and research institutes](#)
5. [Incubators](#)

2.6.5. Renewal of the website

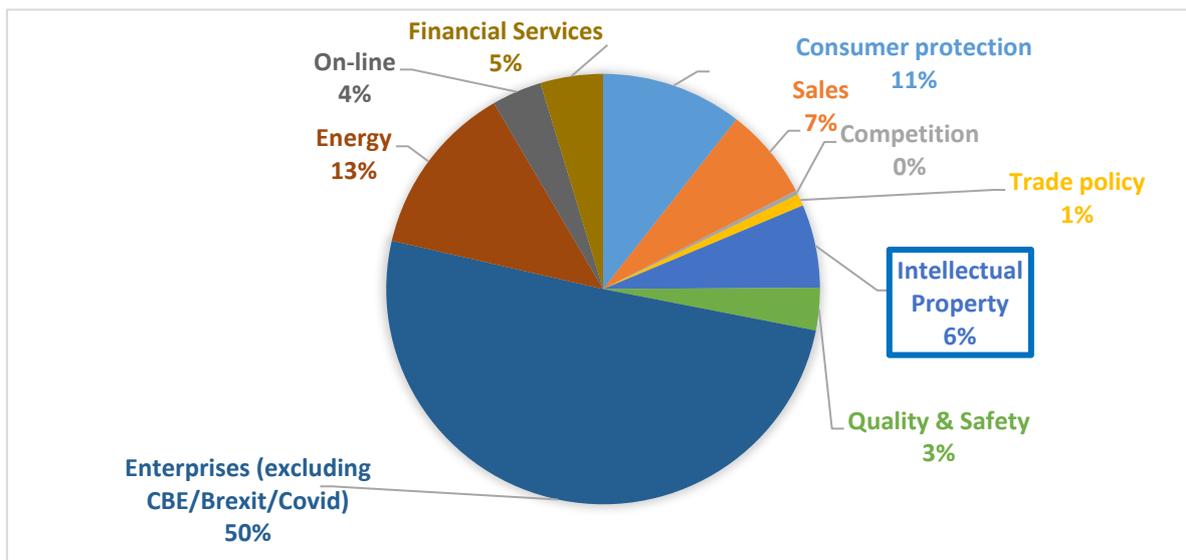
The website of the FPS Economy is a virtually limitless source of information for citizens, companies and organisations. The web pages of the Intellectual Property Office are a substantial part of this online platform. In the past three years, they have been consulted no less than 1,285,262 times.

In 2020, no fewer than 504,682 visitors consulted the web pages on intellectual property. Given that the website of the FPS Economy was visited more than 8 million times in the same year, the number of individual visitors places the web pages on intellectual property among the five most visited sections within the FPS.

Since 2018, the average number of visitors to the intellectual property web pages has been rising steadily, with approximately 6,000 visitors per year.

Graph 14 shows the part of visitors consulting the various main themes on the FPS Economy's website.

Chart 14. Website FPS Economy - number of visitors per Service in 2020



Source: FPS Economy.

More than 200 web pages were reviewed in order to keep all information up-to-date. Particular attention was paid to the digitisation of texts. The styling was simplified and made more concise. The web pages were adapted to be more user-friendly, easy to read on mobile devices and accessible to the general public. In addition, greater attention was also paid on the possibility to switch between different languages.

By the end of 2020, all web pages in Dutch and French were updated and revamped. The next stage entails an accurate translation of the pages into English.

2.6.6. Patent searches

Epoque is a platform of EPO patent databases used by 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.

The use of patent databases is not accessible to everyone. That is why the Intellectual Property Office offers paid patent searches. This type of online Epoque searches is carried out by the Information Service team in a strictly confidential manner. The list of patents and patent requests is compiled in the form of bibliographic data. These searches are purely informal and are carried out outside the patent granting procedure and at the request of the customer (mainly patent attorneys). The results are purely informative for the customer and have no binding value.

Number of searches conducted:

- 255 searches in 2016;
- 281 searches in 2017;
- 190 searches in 2018;
- 220 searches in 2019;
- 174 searches in 2020.

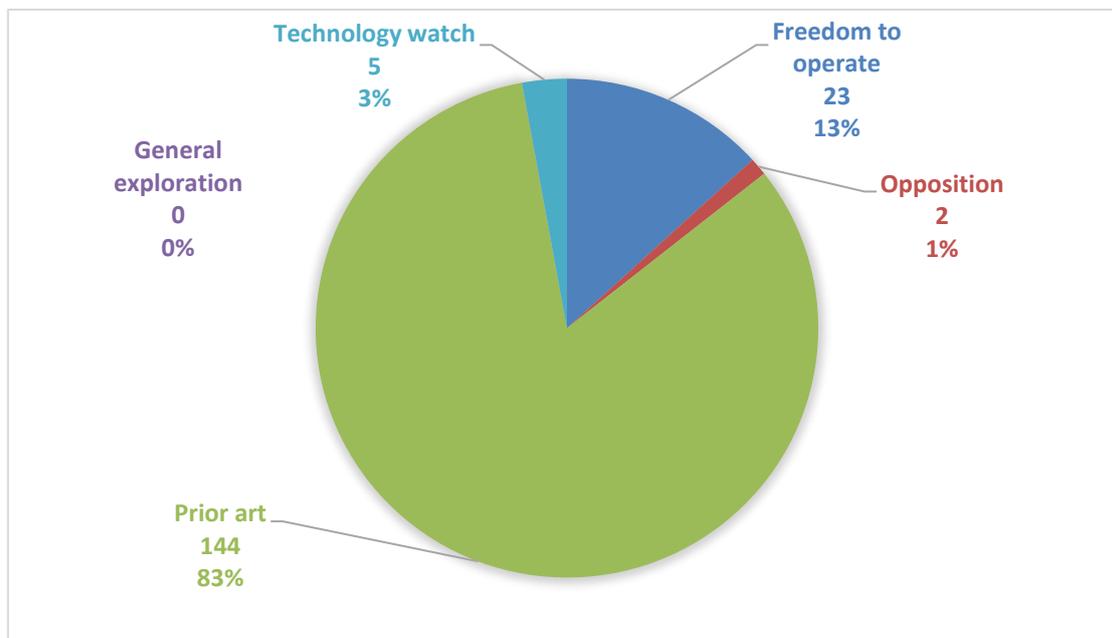
Nobody could have predicted that 2020 would turn out to be such an unusual year. Working from home became commonplace from March 2020 onwards. These circumstances forced researchers to temporarily use the online patent database Esp@cenet as an emergency solution, with the permission of the clients. This database was used for urgent searches, since the researchers did not have access to the Epoque platform when working from home. The ICT team was able to solve this problem by providing a secure connection to the researchers' alternative workplace. Until then, many search requests for prior art, freedom to operate and market vision were postponed or even cancelled. Once the facilities were up and running again, Epoque searches resumed to clear the backlog, which resulted in 174 searches in total. Since the Intellectual Property Office dealt with extraordinary circumstances in 2020, it would not be relevant to compare this number to the number of searches in previous years.

Searches were performed in the following technical fields, which have been dominating the top-7 for years. This did not change in 2020:

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

Graph 15 shows the distribution of requests for Epoque searches by type. 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 subsidy application.

Chart 15. Searches in Epoque (2020) per type



Source: FPS Economy.

2.6.7. Customer Services

The IPObel Contact Point handles all questions addressed to the IPObel and provides access to all information related to intellectual property.

Regarding individual questions that were dealt with during the year, the IPObel Contact Point receives first-line support from the Contact Centre of the FPS Economy, as well as from the two legal services of the IPObel .

Table 17 shows the number of questions that were jointly handled by these services. Both statistics on the number of visitors (received at the Contact Point) and on the number of questions (by phone and via email) dealt with by the IPObel Contact Point in the various intellectual property areas are displayed:

Table 17. Questions addressed on intellectual property

VISITORS OF THE CONTACT POINT	2016	2017	2018	2019	2020
Patents	228	183	148	138	45
Trademarks and models	58	110	63	49	13
I-Depot	28	18	13	10	1
Copyright	2	0	3	0	0
Total	316	311	227	197	59

PHONE CALLS	2016	2017	2018	2019	2020
Patents	1,038	1,836	788	751	750
Trademarks and models	1,066	652	437	290	372
I-Depot	267	208	141	79	127
Copyright	165	228	98	110	153
Total	2,536	2,924	1,464	1,230	1,402

EMAILS	2016	2017	2018	2019	2020
Patents	471	710	593	411	397
Trademarks and models	169	224	152	94	134
I-Depot	89	60	31	25	25
Copyright	0	40	98	109	126
Total	729	1,034	874	639	682

Source: FPS Economy.

The Contact Point answered a total of 2,143 calls and emails in 2020, which is a slight increase compared to 2019, when the total number of calls and emails amounted to 2,066. The number of questions about intellectual property that were handled by the FPS amounts to 3,060 in total. Regardless of the communication channel (in person, by phone or by email), the majority of these were questions about patents.

2.6.8. For certified copies

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

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

- 817 copies in 2016;
- 934 copies in 2017;
- 837 copies in 2018;
- 841 copies in 2019;
- 698 copies in 2020.

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

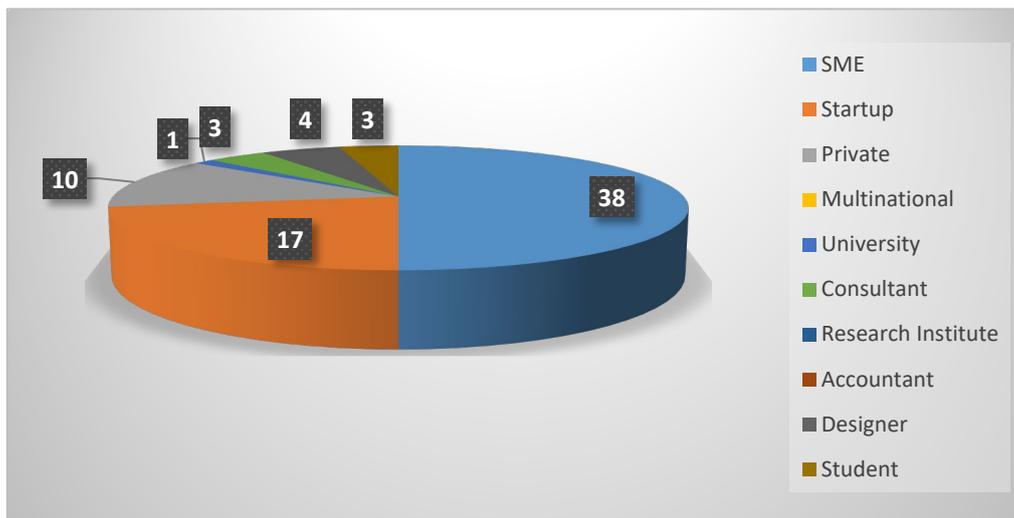
2.6.9. Consultation days

In spite of the successive lockdowns and safety measures in 2020 there was an undiminished focus on raising awareness and informing SMEs and start-ups, as well as consultants, accountants, researchers and students, among others.

The Information Service's experts actively participated in 11 consultation days. These were organised by the regional partners throughout the whole country. Two 'regular' sessions were held before the Covid-19 outbreak, after which there was a systematic switch to online meetings.

Almost all consultation days organised by VLAIO in Flanders were able to take place, in spite of the limited possibilities. Only two online meetings were held in Wallonia and Brussels, in collaboration with Azimut and UCM Brabant Wallon. Four of the planned consultation days were postponed to 2021: UCM Liège, UMONS, WTCB and Job Yourself.

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



Source: FPS Economy.

While approximately 200 appointments were arranged over 12 days in 2019, only 84 appointments were arranged in 2020 over 11 consultation days. It is difficult to uncover the possible reasons for the decrease, but it is clear that these are difficult times for entrepreneurs. This pandemic will have negative consequences for some, while others will find opportunities for innovation. The conversations with the participants on the online consultation days clearly show that they wish to use their creations and innovations as a possible stepping-stone to strengthen or develop their business position.

Of all the questions submitted to the Intellectual Property Office's experts during these bilateral meetings, more than 32% concerned industrial property rights. A striking number of entrepreneurs are active in the technical fields "transport and vehicles", "software and AI" and "construction".

These are the five most frequently asked questions:

1. How patentable is 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 find out if an invention is already protected by a third party?
5. What are the requirements for filing a patent application?

2.6.10.Events

The Intellectual Property Office participated in and organised several events in 2020:

1. Organisation of a webinar

Following the publication of the "Practical guide on intellectual property contracts and contractual clauses", the Intellectual Property Office took the initiative to organise a webinar, together with the law firm Altius, on "How to deal with intellectual property rights within the scope of contractual relations?" (see above).

2. Consultation meeting with patent attorneys on the application of Belgian patent law (see above).
3. Training and raising awareness.

The target audience of the trainings and information sessions is usually quite diverse. This is a small overview of the types of trainings organised in 2020:

- trainings for students: raising awareness about IPR among future entrepreneurs / using free patent databases / working with bibliographical patent data;
- training for patent attorneys: using free patent databases (Esp@cenet);
- Esp@cenet trainings for a larger audience (organised by Essenscia).

Table 18. Number of events organised by / in collaboration with the Intellectual Property Office

	2016	2017	2018	2019	2020
Raising awareness / information sessions	0	2	4	5	7
Organisation of seminars and webinars within the FPS Economy	0	1	2	1	2
Consultation days	17	16	15	12	11
Salon	0	0	0	1	0

Source: FPS Economy.

3. Collaboration with EUIPO and EPO

The EPO compiled a new catalogue of collaborative projects aimed at creating a European patent network. This catalogue is based on the following four pillars:

- an IT infrastructure based on simplified processes and procedures;
- collaborative projects aimed at improving know-how and quality;
- collaborative projects aimed at distributing the workload;
- collaborative projects aimed at improving the convergence of the patent offices' practices.

The fourth pillar concerns the convergence of practices. The purpose of this program is to reduce or overcome the differences between the national patent offices by determining a series of good practices in specific areas where a more uniform approach is expected to primarily benefit the end users and patent offices. The Belgian Intellectual Property Office participates in the project "4.4 Quality management and process mapping".

Meanwhile, 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 central theme. During the course of 2020, the Intellectual Property Office negotiated a cooperation agreement with EUIPO for the first time, in order to be able to participate in ECP6. This cooperation project aims to support the SMEs in the field of information and access to all intellectual property rights. The cooperation agreement and the participation in work groups as part of ECP6 will start in 2021. However, in the run-up to 2021 the Member States have already started working in 2020 on mapping the national initiatives related to SMEs. The Intellectual Property Office collected the essential information for this task, in consultation with the regional partners. EUIPO is planning to launch a website with this information, which will guide European SMEs towards national support initiatives.

4. How to contact us

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List of abbreviations

IPObel	Belgian Intellectual Property Office
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
fte	Full time equivalents
M&M	Trademarks and models
PATLIB	Patent Library
PCT	Patent Cooperation Treaty
PlayRight	Association for the Collection, Distribution and Defense of the Rights of Performers
Sabam	Belgian Association of Authors, Composers and Publishers
Simim	Society of the Belgian Music Industry
SPC	Supplementary protection certificate
SPW	Public Service of Wallonia
Unisono	Collective platform of Sabam, PlayRight and Simim for the registration and payment of licences for music, theatrical works, audiovisual works and so on
UPC	Unified Patent Court
UPP	Unitary Patent Package
WIPO	World Intellectual Property Organisation