

Intellectual Property Office



Annual report 2022



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

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Foreword

In 2022, society faced the consequences of a serious energy and geopolitical crisis while still grappling with the impact of the COVID-19 pandemic. Belgian entrepreneurs, especially those active in the field of innovation, were not spared and had to face this crisis.

However, despite a decline in the number of Belgian patent applications filed by applicants located in Belgium in 2022 compared to 2021, the number of European patent applications filed by applicants located in Belgium has increased compared to 2021. Indeed, in 2022, applicants filed 676 Belgian patent applications at the Belgian Intellectual Property Office (IPObel) and 2,604 European patent applications at the European Patent Office, compared to 799 and 2,485 respectively in 2021. In total, 1,207 Belgian patent applications were filed and 1,081 Belgian patents were granted in 2022. It should also be noted that the IPObel revenue increased by more than 1 million euros compared to 2021, due to a substantial increase in the number of annuities paid to maintain (Belgian or European) patents in Belgium.

In terms of legal developments, 2022 saw the adoption of two laws transposing important European directives on copyright in Belgium. These are the “DSM” Directive (on copyright in the digital single market) and the so-called “SatCab 2” Directive (on retransmission and direct injection, among other things). This is the culmination of several years' work involving European work through national discussions and the parliamentary process.

In the field of industrial property, the law of 25 September 2022 introduced several provisions such as the use of languages, the protection of personal data, the WIPO Digital Access Service, the adaptation of certain time limits in the event of a crisis, the Institute for Patent Attorneys, as well as a number of clarifications in order to make intellectual property legislation more readable, coherent, protective and attractive for users. Additionally, 2022 marked the final year before the operationalisation of the unitary patent and the unified patent jurisdiction. This new system will bring benefits in terms of legal certainty, simplification of administrative formalities, reduction of protection costs and enhancement of the value of patents.

In 2022, the Office published a guide on the use of intellectual property assets aimed to inform innovative SMEs about the possibilities of valorising these assets in the financial markets. Another guide on alternative dispute resolution in intellectual property matters was also published. It aims to inform IP right holders about the various forms of alternative dispute resolution in intellectual property matters and to present the various advantages, such as the speed of the procedure, the costs and the less confrontational nature of the procedure.

In 2022, an educational platform (<https://www.create-protect-benefit.com>) was launched with the aim of raising awareness of the benefits of intellectual property among entrepreneurs and future entrepreneurs.

Finally, the Office organised three conferences in 2022. The first conference presented the results of an econometric study on the use of intellectual property protection systems in Belgium. This study profiles Belgian applicants for intellectual property rights. The second conference focused on recent developments in Belgian and European copyright law. Lastly, the third conference highlighted the reform of the unitary patent and unified patent jurisdiction, which will come into force in June 2023. It provided various perspectives on this important reform for innovation in Europe and evaluated its benefits for users of the European patent system.

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

Jérôme Debrulle
Director-General

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 activities include the registration and processing of (applications for) titles of industrial property, public awareness, and public distribution of information;
- legal and international affairs: the IPObel's activities include drafting laws and implementing decrees, as well as representing Belgium in 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 Organisation (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 2022

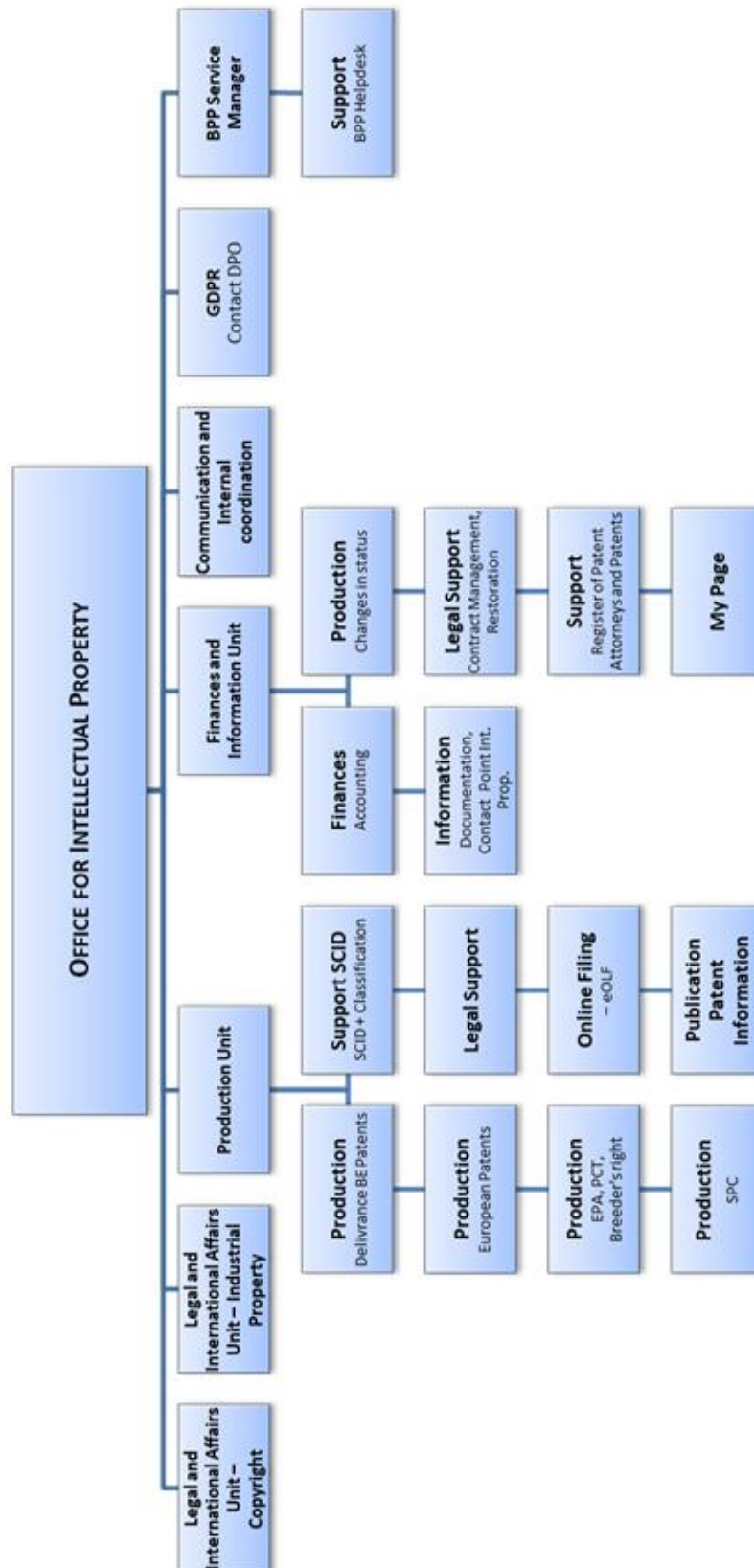


Table 1. Staff figures of the Intellectual Property Office

Situation as of 31.12.2022, full-time equivalent.

Staff members per department	Number (fte)
Legal and international affairs section	7
Production, Finance and Information sections	32
Management (advisor-general and advisors)	4
Total	43

Breakdown by level	Number (fte)
Level A, advisors and attachés	21
Level B, administrative experts	10
Level C, administrative assistants	7
Level D, administrative employees	5
Total	43

Source: FPS Economy.

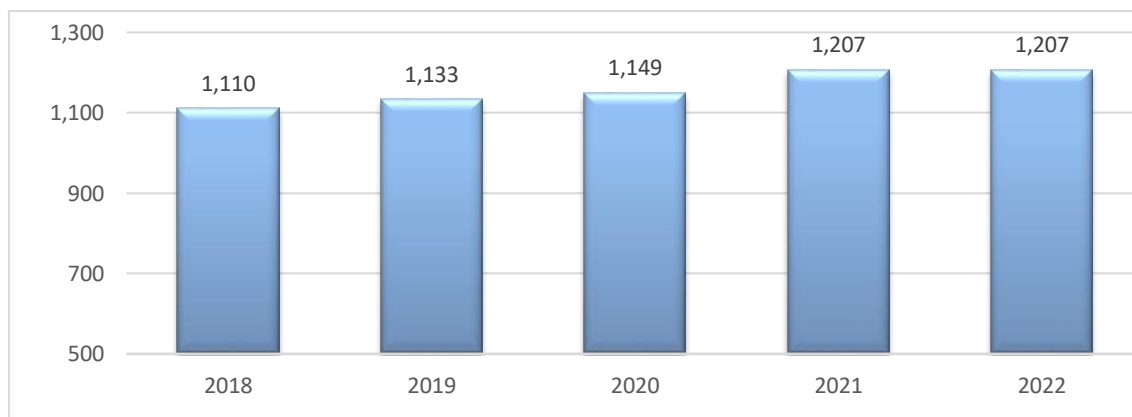
2. Highlights of 2022

2.1. Patents and supplementary protection certificates

2.1.1. Belgian patents

Belgian patent applications

Chart 1. Belgian patent applications

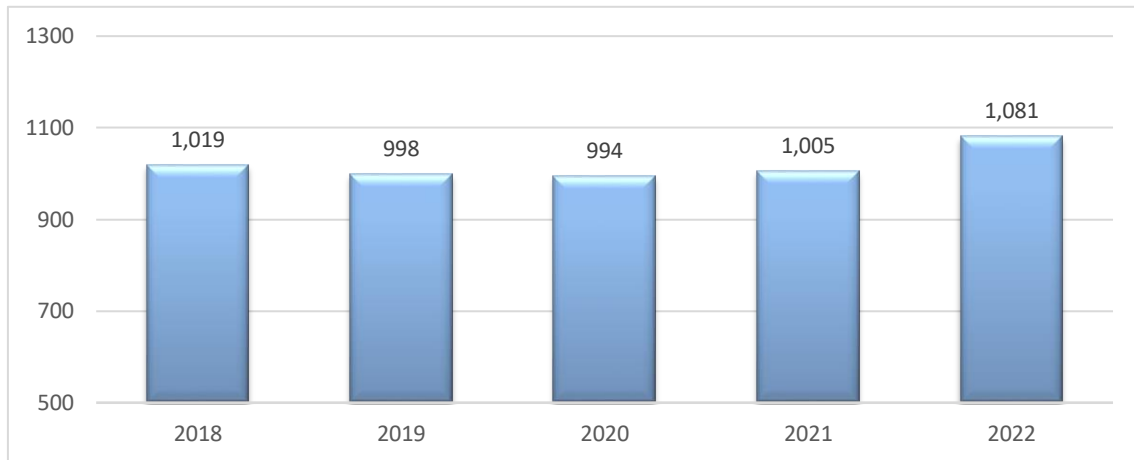


Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Chart 1 shows that the number of applications increased by approximately 2% per year in 2019 and 2020. 2021 saw a stronger increase by 5%, compared to 2020. This increase is largely due to the higher number of applications filed abroad. In 2022, the number of filed Belgian patent applications was the same as in 2021.

Granted Belgian patents

Chart 2. Granted Belgian patents

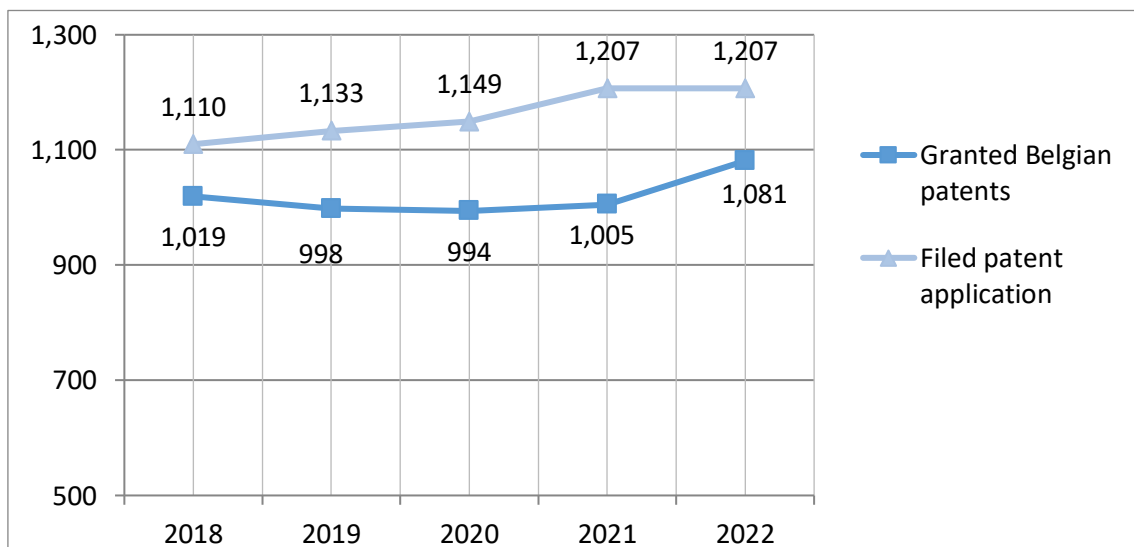


Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Since 2017, the number of granted Belgian patents has remained steady at approximately one thousand per year.

Granted Belgian patents vs. filed patent applications

Chart 3. Granted Belgian patents vs. filed patent applications



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Since 2018, a balance has been reached between the number of Belgian filed patent applications and the number of granted Belgian patents. The number of granted patents is lower than the number of filed patents, due to certain patents being withdrawn or rejected. In 2022, 1,081 Belgian patents were granted and 1,207 Belgian patent applications were filed.

Geographical breakdown of Belgian patent applications across the provinces and regions

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

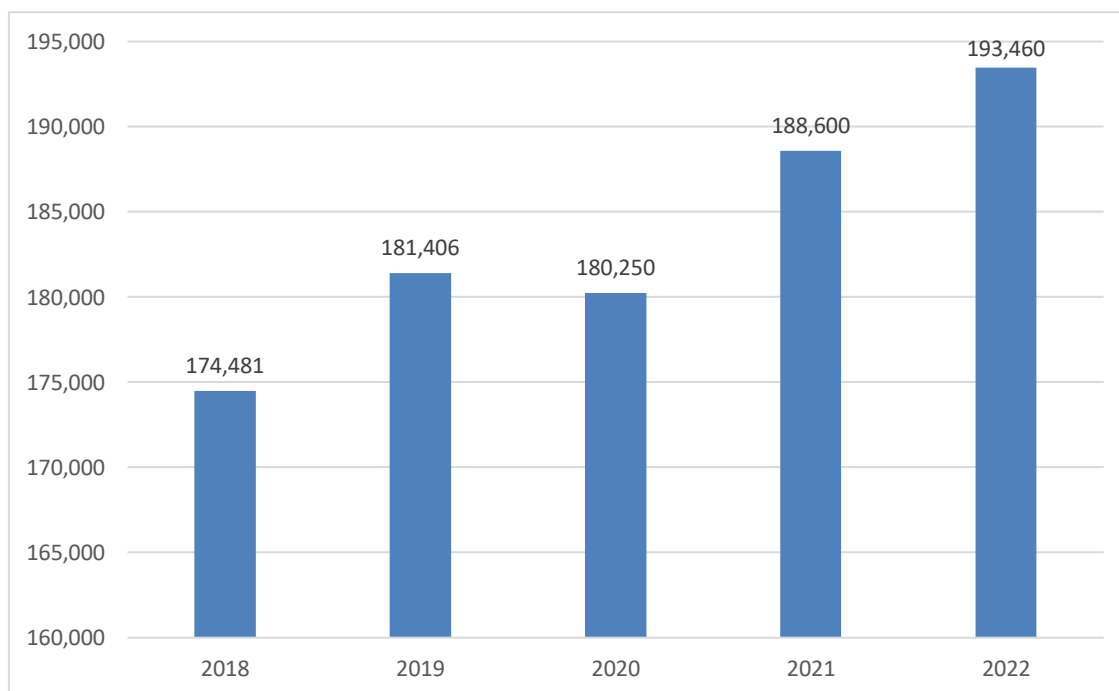
		2018	2019	2020	2021	2022
Flanders	Antwerp	161	165	166	158	128
	Limburg	86	86	50	47	59
	East Flanders	150	154	141	154	136
	Flemish Brabant	53	36	37	40	36
	West Flanders	136	202	226	174	108
Brussels		85	46	57	44	51
Wallonia	Hainaut	37	36	55	45	32
	Liège	111	100	65	86	58
	Luxemburg	5	2	2	5	9
	Namur	25	22	22	10	16
	Walloon-Brabant	42	26	38	36	43

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

2.1.2. European patents and international patent applications (PCT)

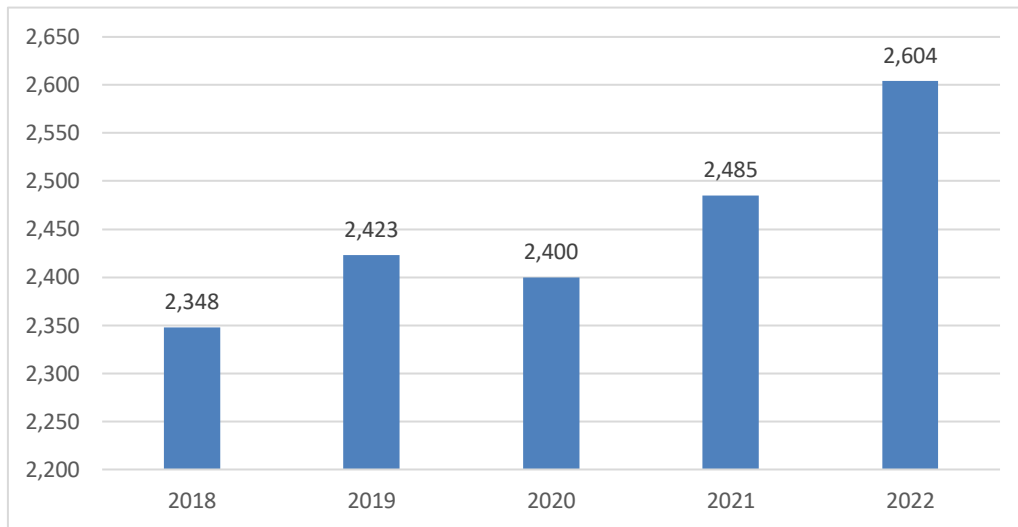
European patents

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



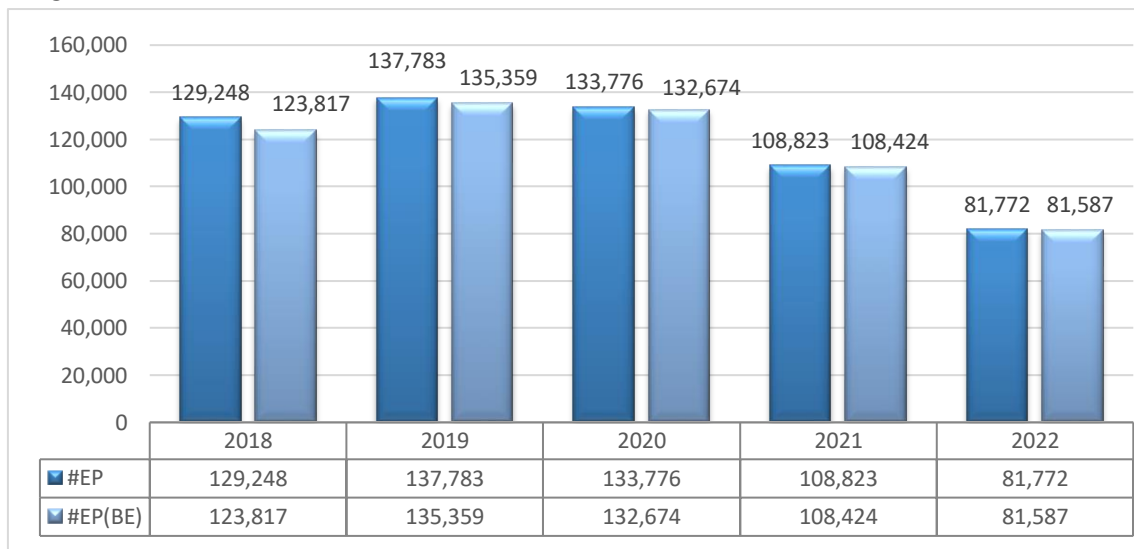
Source: EPO Patent Index 2022 (release: 28.03.2023).

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



Source: EPO Patent Index 2022 (release: 28.03.2023).

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



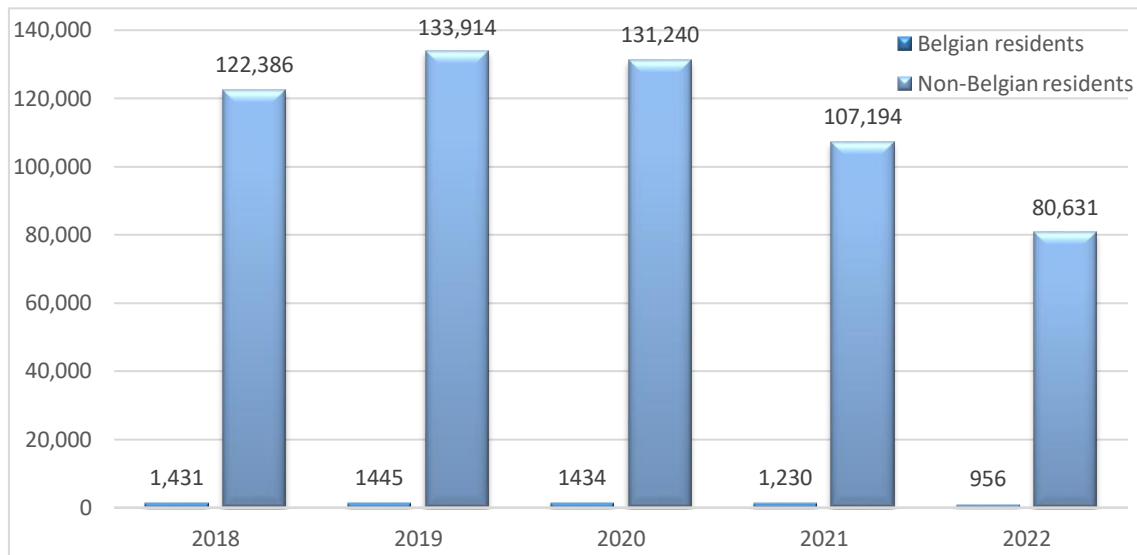
Source : Benelux Patent Platform, SPF Economie (status: 31.12.2022).

The number of European patents granted by the European Patent Office (EPO) declined by almost 25% between 2021 and 2022.

A sharp decline of 19% in the number of European patents granted by the EPO had already been observed between 2020 and 2021. This trend persisted last year.

The number of European patents granted with designation of Belgium has continued to increase proportionally to the number of European patents granted without designation of Belgium, reaching an all-time high of 99.8% for 2022.

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



Source : Benelux Patent Platform, SPF Economie (status: 31.12.2022).

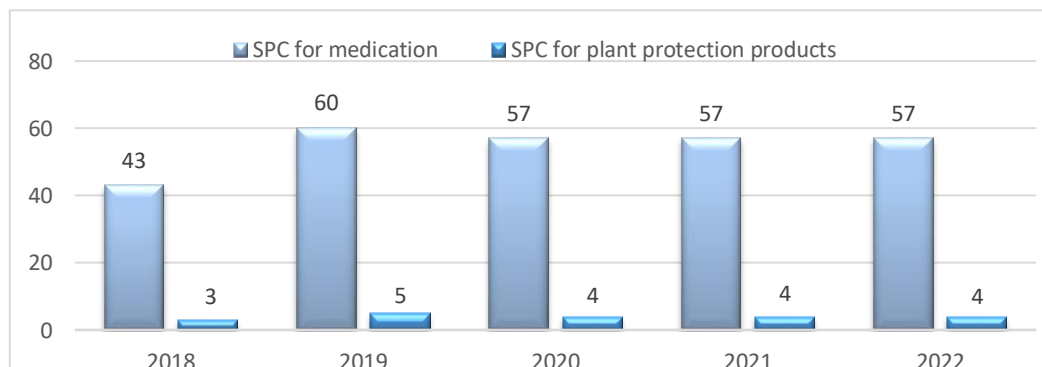
In more than 99% of the European patents (EP) with Belgian designation granted in 2022, the patent holder is established abroad. The trend of recent years has been confirmed.

2.1.3. Start of the Provisional Application of the Agreement on a Unified Patent Court on 19 January 2022 for UPP-UPC

The last preparatory phase for the implementation of the Unified Patent Court (UPC) began on 19 January 2022. The international agreement establishing the UPC has since been applied provisionally. It enables the UPC to take the final steps in order to prepare for the launch of the new unitary patent system, since the unitary patent and the UPC form a package deal and are implemented at the same time. On the one hand, the unitary patent provides an additional possibility to validate the European patents automatically with the same legal effects, with unitary procedures and lower annual fees in (eventually) all member states of the European Union. On the other hand, the UPC centralises and harmonises the dispute resolution for European patents and unitary patents, which improves the legal certainty and efficiency. The UPC judges were appointed in October 2022 and the internal procedures are being finalised, so the long-awaited launch of the reformed European patent system is currently scheduled for 1 June 2023. Seventeen EU member states, including Belgium, are taking part in the initial phase.

2.1.4. Supplementary protection certificates (SPCs)

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

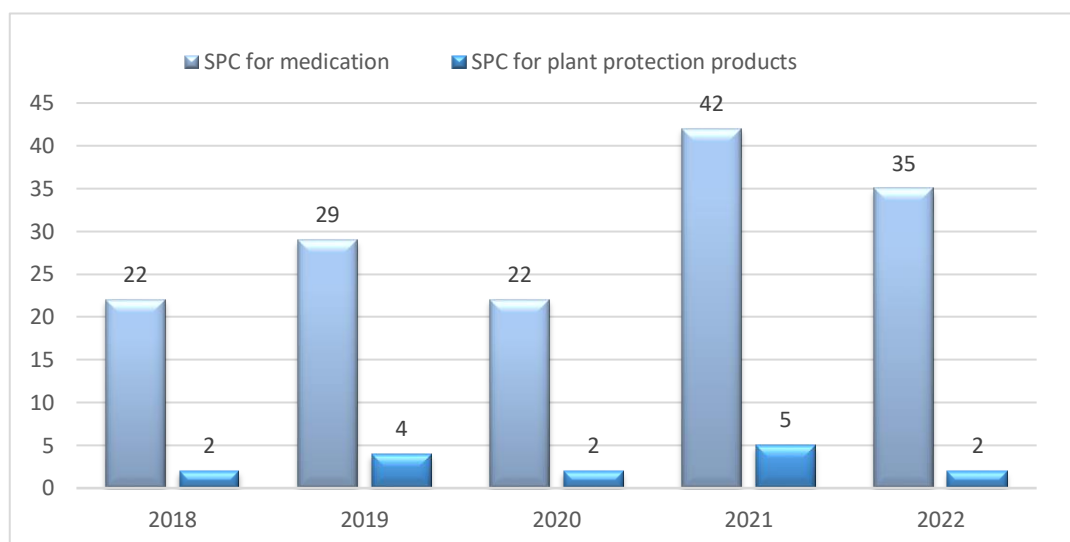


Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

In 2022, the number of filed applications for supplementary protection certificates (SPCs) was exactly the same as in 2021. The ratio between the number of SPC applications for medicinal products and SPC applications for plant protection products is identical to last year as well.

In recent years, the number of SPC applications fluctuated around 60 per year on average. 90% of the SPC applications in 2022 related to a medicinal product (93%) whereas only 7% related to a plant protection product. The ratio between the number of SPC applications for a medicinal product and SPC applications for a plant protection product remains largely constant between 2015 (the first year these statistics were available) and 2022.

Chart 9. Granted Belgian supplementary protection certificates (SPCs)



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Firstly, it should be noted that Belgian SPC applications filed with the Belgian Intellectual Property Office are prioritised and processed based on 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, not based on the date when they were filed. 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 filed during a certain period in the past.

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

Year	2018	2019	2020	2021	2022
Number of requests for paediatric extensions	6	10	14	8	19

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Table 4. Granted extensions of supplementary protection certificates (SPCs) for medicinal products for paediatric use

	2018	2019	2020	2021	2022
Number of granted paediatric SPC extensions	8	6	7	10	6

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

The number of extension applications in 2022 more than doubled compared to 2021. However, the number of granted paediatric extensions in 2022 dropped compared to 2021.

2.1.5. Plant variety right certificates

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

	2018	2019	2020	2021	2022
Number of applications for a plant variety certificate	2	2	2	2	0

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Table 5 shows that only a handful of applications for a Belgian plant variety certificate is filed every year. The reason is that most of the (Belgian or non-Belgian) breeders who want to protect their plant variety, directly apply for a Community plant variety certificate with the Community Plant Variety Office (CPVO), that offers protection in several countries, including Belgium. It is quicker and more efficient to obtain Community protection through a single procedure than to start a separate application procedure in every country.

No applications for Belgian plant variety certificates were filed in 2022. Most of the (Belgian) breeders directly apply for a European plant variety right.

Table 6. Granted Belgian plant variety right certificates

	2018	2019	2020	2021	2022
Number of Belgian plant variety right certificates granted	0	4	6	1	3

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Applications for Belgian plant variety right certificates are submitted to scientific tests, which may take one or several 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.

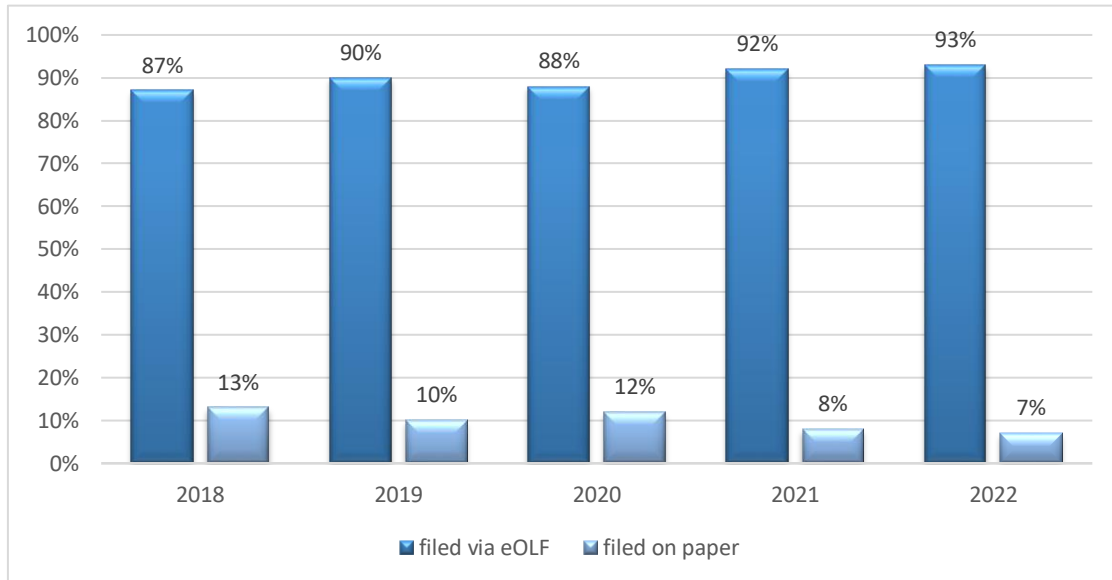
2.1.6. Legal changes in the intellectual property field

The law of 25 September 2022 introducing various provisions in book XI of the Code of Economic Law and the Judicial Code, was published in the Belgian Official Gazette on 24 October 2022. These provisions cover various aspects, including the language rules, personal data protection, the WIPO Digital Access Service, the adaptation of certain deadlines in case of crisis, the Belgian Institute for Patent Attorneys as well as several clarifications of existing legislation. This law will make the legislation more accessible, coherent, protective and attractive for users of the intellectual property system.

2.1.7. Electronic Online Filling (eOLF)

The use of eOLF in 2022

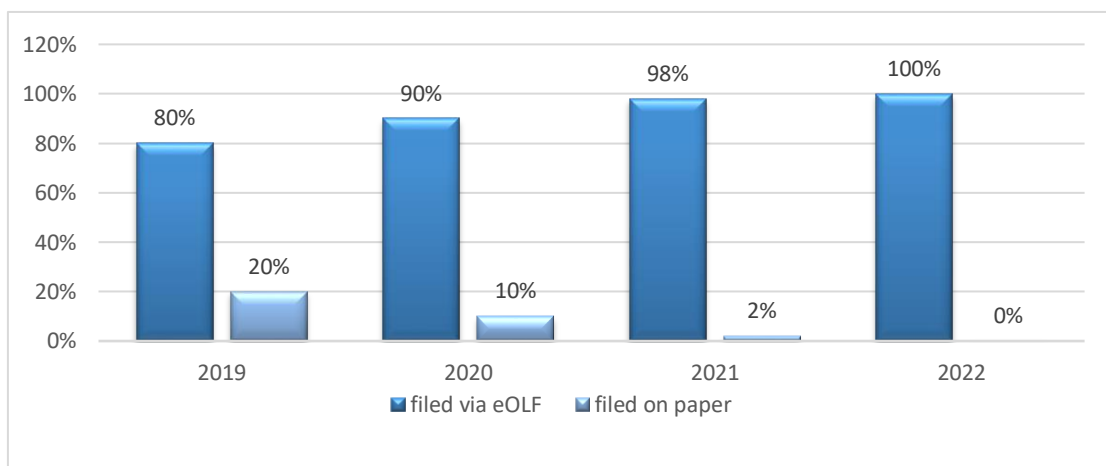
Chart 10. Electronic filing (eOLF) vs. paper applications of Belgian patents



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

No less than 93% of Belgian patent applications were filed electronically in 2022.

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



Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Launched four years ago, the eOLF plug-in for the electronic filing of applications for Belgian Supplementary Protection Certificates (SPCs) is used for every SPC application, without exception.

2.1.8. Activities of the Registration Section

Applications for restoration

In case a deadline is missed during a procedure with the Belgian Intellectual Property Office, the patent holder can have his rights restored through a restoration procedure. The following tables show the statistics regarding the restoration decisions made between 1 January 2018 and 31 December 2022.

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

	2018	2019	2020	2021	2022
Applications	21	21	23	46	27
Annual fees	20	20	22	45	21
Priority	0	1	0	1	2
Other	1	0	1	0	4

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Table 8. Decisions following an application for restoration

	2018	2019	2020	2021	2022
Definitive decisions	35	10	24	41	32
Restoration	22	7	17	31	24
Rejections	13	3	7	10	8

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

The tables show the following conclusions with respect to the application results:

- A total of 27 restoration applications were filed in 2022. This is a decrease by almost 50% compared to 2021, which was a record year and strongly impacted by the Covid pandemic. The number of applications filed in 2022 corresponds to the average number of applications before the pandemic outbreak.
- In 2022, 32 decisions were made, of which 75% were accepted, continuing the trend seen in previous years.
- 14 applications are still awaiting a definitive decision. For 5 of these applications, an intention of rejection has already been sent.

Applications to the patent register

The following table categorises the number of register applications. The most common types of applications relate to a change of holder, a change of address or a change of representative (attorney).

Table 9. Applications for entry in the patent register

	2018	2019	2020	2021	2022
Change of holder	1,001	1,197	1,134	1,253	1,168
Change of address	483	542	454	441	429
Change of attorney	350	433	450	428	419
License	19	16	27	20	19
Pledge	5	12	14	6	15
Total	1,812	2,200	2,079	2,119	2,038

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Please note that a single application for change may refer to dozens of patents. In addition, one single application may relate to, for example, both a change of address and a change of representative. This means the number of patents 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

	2018	2019	2020	2021	2022
Passed patent attorneys	8	13	13	11	5

Source: FPS Economy (status: 31.12.2022)

251 patent attorneys were added to the Belgian Register of accredited patent attorneys on 31 December 2022. During the course of 2022, a quality check of all registered accredited patent attorneys was carried out in order to ensure that the Register accurately reflects the real situation of active accredited patent attorneys. Consequently, a number of patent attorneys may still be included in the register even though they are no longer working as patent attorneys. They will be removed from the register in 2023.

2.1.9. Finances of the Intellectual Property Office

Patents & supplementary protection certificates (SPCs)

Tables 11 to 13 show the revenues collected by the IPObel during the budgetary years 2018 to 2022.

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

In euros

	2018	2019	2020	2021	2022
Annual fees BE (incl. SPC)	706,945.00	771,510.00	809,045.00	864,220.00	935,955.00
Annual fees EP	9,911,247.50	10,516,010.0	10,889,167.50	11,203,395.00	11,708,242.50
Sent annuities EPO (50% annuities EP)	9,557,897.50	10,138,240.0	10,455,677.5	10,810,140.00	11,336,977.50
Total annual fees	20,176,090.00	21,425,760.00	22,153,890.00	22,877,755.0	23,999,175.00

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

The total annuities paid (for Belgian patents and European patents with effect in Belgium) increased by 4.09% compared to 2021, and by 8.20% compared to 2020.

Processing fees receipts (Belgian patents)

Table 12. Processing fees receipts (Belgian patents)

In euros

	2018	2019	2020	2021	2022
Filing fee	66,350.00	70,425.00	72,475.00	70,550.00	70,550.00
Priority fee	1,050.00	650.00	250.00	150.00	350.00
Research fee	323,700.00	306,594.00	330,300.00	325,200.00	357,300.00
Special fees (regularisation + rectification)	4,974.00	3,326.00	8,395.00	6,475.00	4,860.00
Total processing fees	396,074.00	380,995.00	411,420.00	402,375.00	439,560.00

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

2022 saw an increased revenue from procedural fees, partly due to the increased number of commissioned research reports.

Table 13. Total IPObel revenues

In euros

	2018	2019	2020	2021	2022
Total revenues	20,581,988.00	21,806,755.00	22,565,310.00	23,280,130.00	24,438,735.00

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Revenues increased by nearly 4 million euros between 2018 and 2022, mainly due to a considerable increase in the number of annual fees paid for BE and EP each year.

Plant variety rights

Tables 14 shows the revenues statistics for the budgetary years 2018 to 2022. There is a relative drop in revenues between 2018 and 2022. This can be attributed to the fact that European protection is more attractive than national protection.

Table 14. Receipts from plant variety rights

In euros

	2018	2019	2020	2021	2022
Annuities, filing fees and priority fees	11,954.00	9,914.00	9,320.00	7,979.00	8,079.00

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

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 times MyPage "Payer" was accessed

There is a steady increase in the number of times the MyPage Payer functionality was accessed, as shown in table 15.

Table 15. Number of times Payer functionality was accessed

	2018	2019	2020	2021	2022
Number of times "Payer" functionality was accessed	50	77	96	107	113

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Number of payment orders via MyPage

Not only did the number of payment orders carried out via MyPage triple between 2018 and 2022, we also noted that half of all financial transactions were carried out via MyPage on 31-12-2022. This shows a great interest in the MyPage tool among the users, which is due to several developments of the tool since 2018, aimed at optimal usability.

Table 16. Number of payment orders

Number of payment orders	2018	%	2019	%	2020	%	2021	%	2022	%
MyPage	903	20.85	2,347	44.09	2,657	49.81	2,721	50.49	2,863	54.69
Total	4,329		5,323		5,334		5,389		5,235	

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

Number of times 'Portfolio' was accessed

The Portfolio functionality has been available since 19-10-2020. As of 31-12-2022, IPObel granted access to Portfolio to 39 users.

Table 17. Total number of times Portfolio functionality was accessed

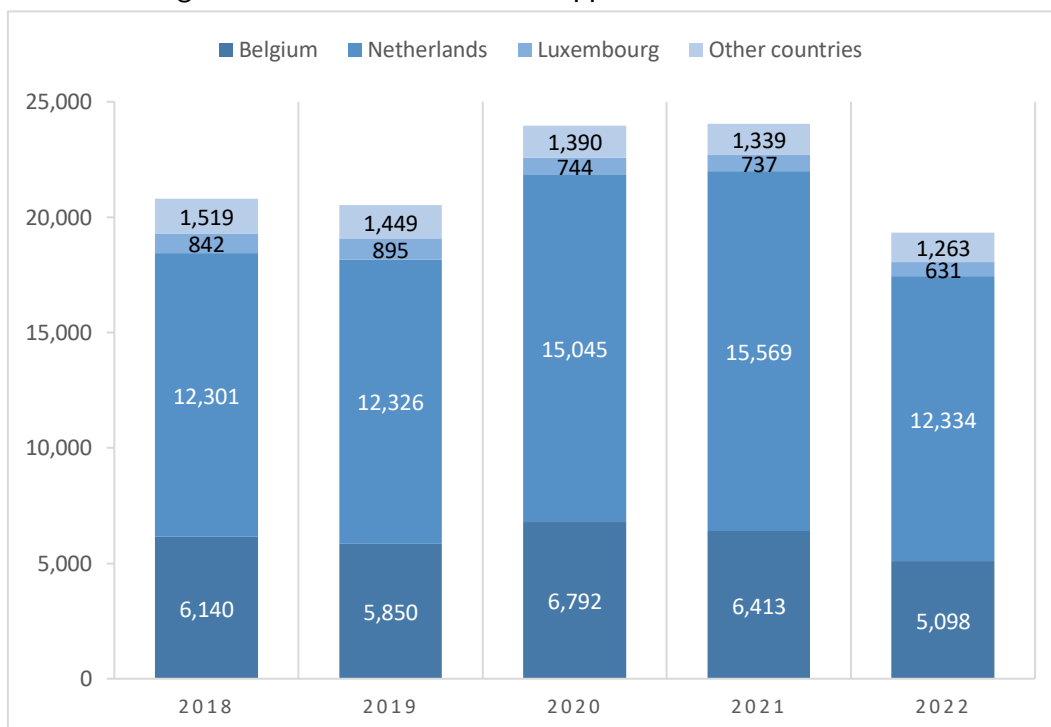
	2020	2021	2022
Total number of times the "Portfolio" functionality was accessed	15	26	39

Source: Benelux Patent Platform, FPS Economy (status: 31.12.2022).

2.2. Trademarks and designs

2.2.1. Origin of the Benelux trademark applications

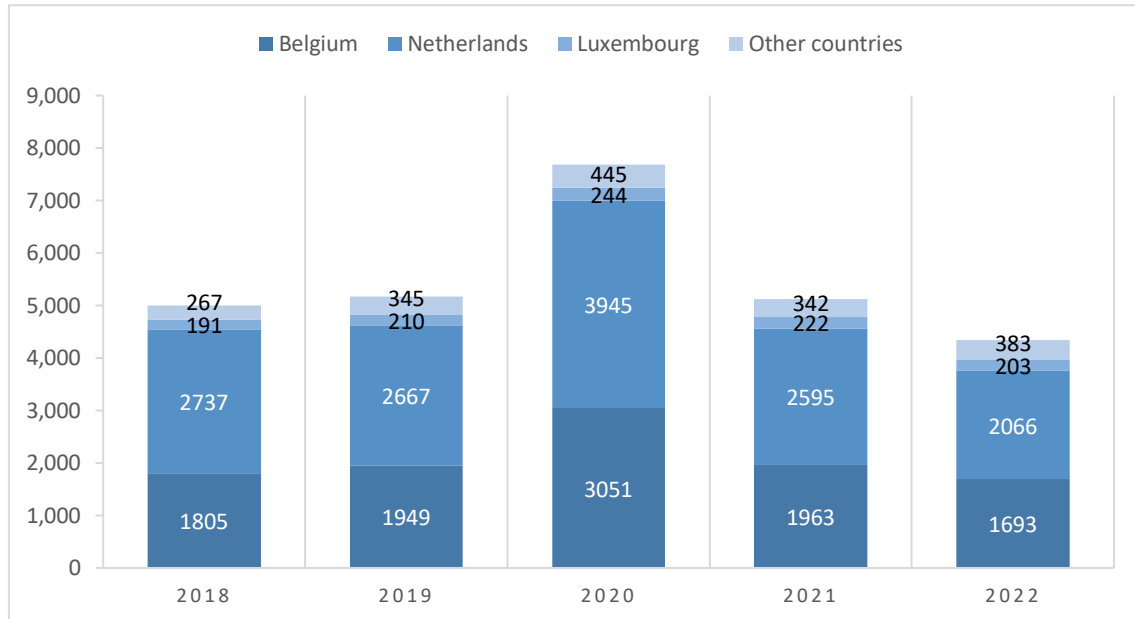
Chart 12. Origin of the Benelux trademark applications



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



Source: Benelux Office for Intellectual Property (BOIP).

The most recent figures about applications for trademarks, models, and designs as well as i-DEPOTs are available on [the BOIP's website](#).

2.3. Copyright and related rights

Many changes were implemented at national level in 2022, including in the field of copyright. These changes are described below.

2.3.1. Transposition of European directives

Transposition of the Copyright in the Digital Single Market Directive

The directive on copyright in the digital single market was adopted in 2019. This Directive entails a major copyright reform in order to adapt it to the digital world. The Directive includes:

- four new exceptions (for text and data mining, among others);
- a regulation for out-of-commerce content;
- a new related right for press publishers and new regulation for certain online platforms;
- new regulations to guarantee a fair compensation for authors and performers in exploitation contracts.

The work on the transposition of this Directive started in 2019. After consulting the relevant stakeholders and holding talks at government level, the transposition law was adopted by the Federal Parliament in 2022. The law of 17 June 2022 was published in the Belgian Official Gazette on 1 August 2022.

Transposition of the Cable and Satellite Directive 2

Directive (EU) 2019/789 was transposed in 2022. It was adopted in 2019 and relates to the audiovisual sector in the Belgian legislation. This Directive lays down new rules for ancillary online services offered by broadcasting organisations, retransmission and communication to the public by direct injection, as an addition to the previous directive 93/83/EEC in 1993.

The parliamentary process took place at the beginning of 2022. The Chamber's Economy Commission adopted the text at first reading on 9 February 2022 and at second reading on 16 March 2022. In addition, the Chamber's plenary session adopted the text on 31 March 2022. The law was published in the Belgian Official Gazette on 21 April 2022 and implemented on 1 May 2022.

2.3.2. New tariffs for private copies

The new Royal Decree of 1 February 2022 regarding the compensation for private copies was implemented on 1 April 2022, replacing the previous decree adopted in 2013. This decree modifies the pricing system of the compensation as well as the list of devices and media for which a remuneration is collected. As such, it takes into account new technologies and consumer behaviours, which have evolved over the past decade.

Consumer printers, multifunctional consumer printers (including a scanning functionality, for example), consumer computers and e-readers, which are apparently used to make private copies, were added to the list of devices and media for which a charge is collected. However, analogue media such as audio cassettes, audiotapes and video cassettes are no longer part of the new royal decree since they are barely used to make private copies anymore.

The tariffs were determined after consulting the representatives of consumers, rightsholders and the sector which markets the devices and media for which a private-copy charge is collected.

2.4. Subjects regarding IP in general

2.4.1. Practical Guide for SMEs to Access Finance Using Intellectual Property Rights

The "Practical Guide for SMEs to Access Finance Using Intellectual Property Rights" was developed by the FPS Economy. The aim is to give SMEs easier access to financing through a better understanding of the various tools to use IP assets, for example as collateral. The guide was written in English and provides an overview of various approaches to use intellectual property rights to access financing.

It also contains a series of recommendations for small and medium-sized enterprises on how to leverage their IP assets to access adequate financing.

In addition, it contains a general overview, including a summary of the guide, and a toolbox with practical information for Belgian SMEs to improve their intellectual property management strategies. The overview is available in English, French, and Dutch.

A webinar about this guide was organised on 29 March 2022 (see point 2.5.7.2 of this report).

The guide and the overview are available at:

- <https://economie.fgov.be/en/themes/intellectual-property/innovation-and-intellectual/practical-guide-smes-access>
- <https://economie.fgov.be/en/publication/practical-guide-smes-access>

2.4.2. Econometric analysis of the use of intellectual property protection systems in Belgium

The Benelux Office for Intellectual Property (BOIP) and the FPS Economy commissioned a study from the Catholic University of Leuven and research bureau IDEA Consult on the characteristics of businesses that apply for protection of their intellectual property.

This study analysed the patents, trademarks, models, designs and plant variety rights of 15,193 Belgian businesses during the period 2010-2019. A total of 82,190 intellectual property rights (IPRs) were registered, equating to an average of 5.4 per business. These characteristics of businesses with IPRs were then compared to 474,315 businesses without IPRs. Both the average and compound growth of the companies, as well as their productivity, were examined.

The study showed that businesses applying for IPRs are characterised by:

1. their age: the older a company is, the greater the number and scope (different types) of its IPRs;
2. their size: on average, SMEs have fewer IPRs (90% of SMEs have 1 IPR);
3. their productivity: more IPRs means higher productivity;
4. their activity: wholesale and retail businesses have more IPRs.

In addition, businesses with IPRs report a bigger growth in employment and higher productivity (gross value added per employee within a company). The compound growth rate of businesses with IPRs is 2.5% higher than that of similar companies without IPRs. For SMEs, the growth rate amounts to 0.4%.

Businesses with IPRs report a higher average productivity, even though there are differences depending on the size and type of IP rights, for instance.

More information at:

- <https://economie.fgov.be/en/themes/intellectual-property/innovation-and-intellectual/econometric-analysis-use>
- <https://economie.fgov.be/en/publication/econometric-analysis-use>

A (hybrid) seminar on this study was held on 26 April 2022, the day the study was published (see point 2.5.7.2 of this report).

2.4.3. Guide on alternative dispute resolution regarding intellectual property rights

The FPS Economy commissioned a study on alternative dispute resolution and intellectual property. The “Guide on alternative dispute resolution regarding intellectual property rights” was written in this context. It not only discusses traditional intellectual property rights such as trademark rights and patent rights, but also related rights such as the trade name and business name.

This guide is aimed at everyone who wants to know more about alternative dispute resolution and intellectual property. However, it does require some background knowledge of intellectual property. The guide is aimed at both businesses and consumers.

2.4.4. Update of the ‘Practical guide on intellectual property contractual clauses’

The FPS Economy wrote a “Practical guide on intellectual property contractual clauses” in 2020 in order to inform the target audience (businesses, professional associations, universities, research centres, industrial property attorneys, lawyers, public institutions tasked with stimulating innovation, corporate lawyers, Patlib centres, collecting societies etc.) about the regulations regarding intellectual property contracts, and to increase their knowledge and thus strengthen their position during contractual negotiations but also during the drafting, implementation and termination of contracts.

This guide covers a range of situations (pre-contractual phase, transfer of rights, licenses, 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 ways both parties can define or share the intellectual property rights that are created or executed while the contract is carried out. 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 the institutions, organisations and services that can assist in drafting, negotiating or monitoring IP contracts.

The guide was updated in 2022 in cooperation with the law firm Altius.

2.5. Communication and awareness campaigns

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

Every year, the IPObel invites the Belgian patent attorneys to a consultation meeting on the application of Belgian patent law.

For the first time since 2019, the conference was held in the FPS Economy's quarters, on 6 December 2022, with the support of the FPS Economy's Communication Directorate. Approximately 70 people attended the meeting.

The main topics discussed during this consultation were:

- regulation on the calculation of time limits;
- update of the various signature methods accepted by the IPObel;
- implementation of the reform of the patent attorney profession;
- news in terms of language use.

The meeting also allowed for a presentation of the Belgian Institute for Patent Attorneys and the new Belgian Association for Intellectual Property Administrators called BELAIPA.

2.5.2. Synergy with our partners (regions, BOIP, EPO, EUIPO)

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

Stimulating innovation is key for the European economy's competitiveness. Since intellectual property is one of the major tools for stimulating and enhancing innovation, it is important that businesses (especially SMEs), universities, research centres, intellectual property professionals, and professional associations are informed about the available tools to stimulate innovation through intellectual property.

To this end, an inventory of the institutions in charge of encouraging innovation through intellectual property was made in 2020 with the help of our regional partners (VLAIO, HUB, Innoviris, SPW-EER and Sowalfin).

All institutions were invited to update their details in 2022.

More info: <https://economie.fgov.be/en/themes/intellectual-property/innovation-and-intellectual/institutions-actively-involved>

Create-Protect-Benefit platform

The digital platform Create-Protect-Benefit has been further developed in 2022, with smart guides, videos and news stories. The platform was presented during a conference in Brussels on 26 April. The IPObel has taken over the chairmanship of the BOIP from July until December 2022. Communication on the platform will be an important goal for 2023. Users of the platform will be asked if it meets their requirements and how it can be improved.

For more information, visit: <https://www.create-protect-benefit.com/be-en>

Econometric analysis of the use of intellectual property protection systems in Belgium

The econometrics study was completed in 2022 and was presented during a conference in Brussels on 26 April. The study showed that businesses with intellectual property rights (IPRs) have higher employment growth and productivity (gross value added per employee). Together with the BOIP, a joint campaign will be launched in 2023 to highlight the importance of IPRs in certain sectors.

The study and the conference are available at: <https://economie.fgov.be/en/themes/intellectual-property/innovation-and-intellectual/econometric-analysis-use>

European patent with unitary effect and Unified Patent Court

In addition to the current three-year cooperation agreement with the EPO, which was signed in 2022, the most important synergy was the conference on the unitary patent and Unified Patent Court, held in Brussels (and in hybrid format) on 17 November 2022.

This international conference was a huge success, not only because of the number of attendees, but also considering the quality of the speakers.

You can find more information about this conference in point 2.5.2.7. of this report.

Participation in the EUIPO's SME FUND scheme

Since the launch of the grant scheme "SME Fund" by the European Union Intellectual Property Office (EUIPO) in 2021, European SMEs can request a refund of 90% of the costs of IP pre-diagnostic services (IP Scan) and/or a percentage refund of their expenses for applying for brands, models, and patents.

The IPObel actively participates in this scheme as far as communication, promotion, administration as well as support and raising awareness are concerned. SMEs that applied for a grant are contacted by the Information Service and are paired with an expert who performs the IP Scan and whose profile corresponds to the SME. The IP Scan is performed by experts from several Patlib centres who conduct an interview, and assess the SME's needs and possibilities regarding intellectual property, after which they draw up a report with recommendations which is subjected to a quality check by the Information Service.

The following table shows an overview of the number of applications, compared to the number of actually executed IP Scans per year, by and for Belgian SMEs.

IP Scan	2021	2022
Total applications	37	58
Total executed IP Scans	5	11

The increase in the number of applications and executed IP Scans has to be put into context, since the IPObel only started participating in the project in May 2021, five months after its launch. In addition, the project's success can be attributed to the active promotion through various channels, supported by the regional partners and Patlib centres.

2.5.3. 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). The obtained results are purely informative for the customer and have no binding value.

Number of searches conducted:

- 190 searches in 2018
- 220 searches in 2019
- 174 searches in 2020
- 214 searches in 2021
- 139 searches in 2022

2022 saw another decrease in the number of patent searches compared to 2021. This may be partly due to the “Espacenet” trainings enabling patent attorneys, businesses and research institutions to actively use this patent database. Of course, this does not explain the other steps that users have to take when they do not find any results. However, we noticed that the contact person for the users is incredibly important, since a different contact person for an organisation can introduce a drastic change in its strategic approach.

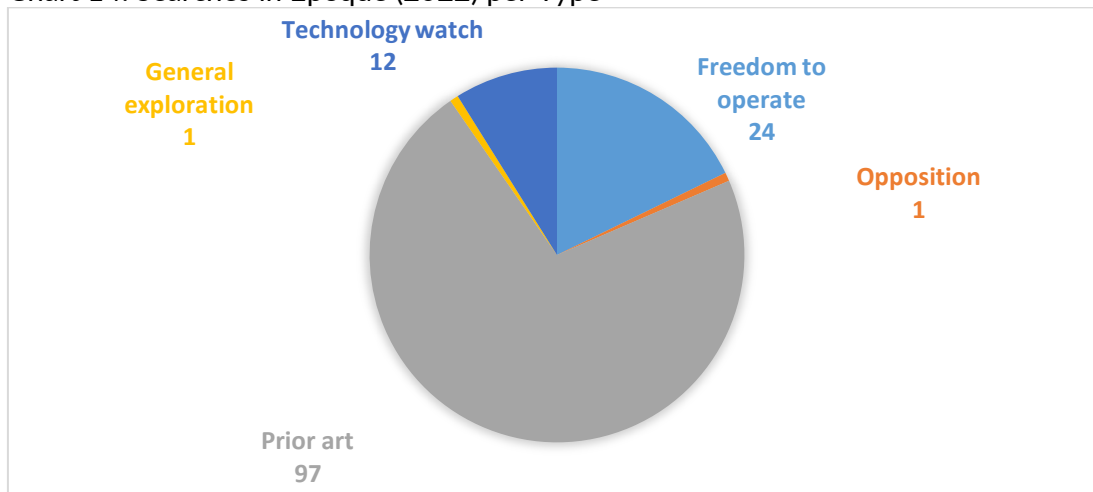
The technical fields of the searches in 2022 remained the same as in previous years (this can be a sign), namely:

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

Chart 14 shows the share of Epoque applications per type of search.

The submitted requests include an increasingly high number of “freedom to operate” searches. These enable the client to check whether his products infringe on someone else’s patent, so he can limit the risks as much as possible when marketing his product. Such searches are generally requested when regional bodies compile a subsidy application.

Chart 14. Searches in Epoque (2022) per Type



Source: FPS Economy.

2.5.4. Customer Services

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

The IPObel Contact Point is supported by the IPObel's main legal departments and by the FPS Economy's Contact Center (our primary contact point) for the processing of individual questions received throughout the year.

Table 18 shows the number of questions processed by both the IPObel's Contact Point and the IPObel's two legal departments. It shows the number of questions answered by telephone and by email, broken down by field of intellectual property rights.

Table 18. Questions treated on intellectual property

CONTACT POINT VISITORS	2018	2019	2020	2021	2022
Patents	148	138	45	0	21
Trademarks and designs	63	49	13	0	4
i-DEPOT	13	10	1	0	0
Copyright	3	0	0	0	1
Total	227	197	59	0	26

TELEPHONE CALLS	2018	2019	2020	2021	2022
Patents	797	761	764	555	540
Trademarks and designs	448	300	383	278	203
i-DEPOT	141	79	127	97	69
Copyright	142	147	170	128	114
Total	1,528	1,287	1,444	1,058	926

EMAILS	2018	2019	2020	2021	2022
Patents	616	434	438	512	542
Trademarks and designs	190	135	180	277	155
i-DEPOT	31	25	25	32	41
Copyright	195	181	240	305	273
Total	1,032	775	883	1,126	1,011

Source: FPS Economy.

In short, the IPObel answered a total of 1,963 questions in 2022 (compared to 2,184 questions in 2021). In certain categories, it looks like contact by email was preferred to telephone calls.

The number of intellectual property questions processed by the FPS amounted to 2,371 questions in total (including individual questions answered directly by the FPS Economy's Contact Center). This corresponds to a decrease compared to 2021, when 2,905 questions were answered.

Regardless of the communication channel (by phone or by email), the majority of questions asked related to patents.

2.5.5. For certified copies

A certified copy of a patent application may be required to claim priority when patent protection is 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.

This is an overview of the numbers of delivered certified copies of patent applications:

- 837 copies in 2018
- 841 copies in 2019
- 698 copies in 2020
- 673 copies in 2021
- 922 copies in 2022

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

The Royal Decree on the issuance by the Belgian Intellectual Property Office of information documents relating to the industrial property and aimed at administrative simplification was amended at the end of 2021, making the issue of certified copies free of charge since 1 December 2021.

The number of applications in 2022 has returned to the pre-pandemic level, with a slight increase which is possibly due to the free copies.

2.5.6. Events

The IPObel organised and actively participated in information and awareness-raising activities, as it does every year.

Table 19. Number of events organised by the IPObel

	2018	2019	2020	2021	2022
Raising awareness / information sessions	4	5	7	12	8
Organisation of seminars and webinars within the FPS Economy	2	1	2	4	6
Consultation days	15	12	11	14	15
Fair	0	1	0	0	0

Source: FPS Economy.

Raising awareness and trainings

The target audience for trainings and information sessions is usually quite diverse. This overview shows the general types of trainings organised in the last 5 years:

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

Webinars / seminars

Webinar presenting the Practical Guide for SMEs to Access Finance Using Intellectual Property Rights

On 29 March 2022, the FPS Economy (IPObel) joined forces with the UCL and the law firm Pierstone and organised a webinar dedicated to the “Practical Guide for SMEs to Access Finance Using Intellectual Property Rights”, supported by the WIPO.

The webinar provided information on the content of the guide and highlighted how SMEs can access finance using their IP assets.

The webinar was attended by 118 participants.

The guide and the corresponding overview are available at:

<https://economie.fgov.be/en/themes/intellectual-property/innovation-and-intellectual/practical-guide-smes-access>

Seminar “Belgian businesses with intellectual property rights: facts, figures and opportunities”

The FPS Economy (IPObel) and BOIP organised a seminar on 26 April 2022 to present the results of an econometric study on the use of intellectual property protection systems in Belgium. The study, carried out by the Catholic University of Leuven (KUL) and IDEA Consult, profiles Belgian applicants of intellectual property rights.

The presentation of the study was followed by two panel discussions with business representatives (Agoria, Essenscia, Patent Cells and FEB) on one side and regional government representatives on the other side (Innoviris, Sowalfin, and VLAIO).

The seminar was attended by a total of 171 participants (Residence Palace in Brussels and streaming).

Webinar “Alternative dispute resolution (ADR) in intellectual property”

The FPS Economy (IPObel) and the law firm Pétilion organised a webinar on 2 June 2022 to present the “Guide on Alternative Dispute Resolution Regarding Intellectual Property Rights”.

The main goal of this conference was to discuss the different forms of alternative dispute resolution (ADR) concerning intellectual property and to present the various advantages, such as the procedure, which is relatively quick, less costly and less conflict-centred.

The conference was attended by 105 participants.

The guide and the webinar are available at: <https://economie.fgov.be/en/themes/intellectual-property/respecting-intellectual/alternative-dispute-resolution>

Seminar on copyright - Recent developments in Belgian and European legislation

The FPS Economy (IPObel) organised a seminar on 18 October 2022 titled “Copyright: Recent Developments in Belgian and European Legislation”.

The goal of this seminar was to discuss the new legal stipulations regarding copyright and related rights, and to highlight the national balance between the interests of all involved parties that was achieved when transposing these directives and rules.

Speakers from neighbouring countries, leading experts and administration employees who deal with these matters daily, were invited to discuss their experience and ideas.

The seminar was attended by a total of 230 participants [City Atrium, FPS Economy, Brussels and streaming].

Webinar Ideas Powered for Business

Together with the EUIPO, the IPObel organised two webinars (one in Dutch and one in French) on 27 October 2022 for Belgian SMEs and start-ups, as part of the “Ideas Powered for Business” project.

The focus of the webinars was “collaboration and generating income from IP licenses”.

A range of experts (from the EUIPO, the law firm Altius, Gevers Patents and the BOIP) gave presentations about the pros and cons of licenses on intellectual property rights, the practical side of applications and tips for successful negotiations.

The webinar was attended by a total of 92 participants.

Conference “The Unitary Patent system – a game-changer for innovation in Europe”

The FPS Economy (IPObel) and the European Patent Office organised a “hybrid” high-level conference about the unitary patent and the Unified Patent Court on 17 November 2022, with the support of the European Commission.

No less than 35 speakers from various European countries participated in this conference at the Concert Noble complex.

The conference provided an overview of the unitary patent system and the Unified Patent Court from various perspectives and highlighted its advantages for entrepreneurs and innovative businesses, through a series of presentations and panel discussions with contributions of EU institutions, academics, industry organisations, innovative SMEs, patent attorneys, and judges.

The conference was attended by 250 participants in person and by more than 780 participants via streaming.

The entire conference can be replayed at: <https://www.youtube.com/watch?v=cLbI-Ay8Wv0>

Consultation days

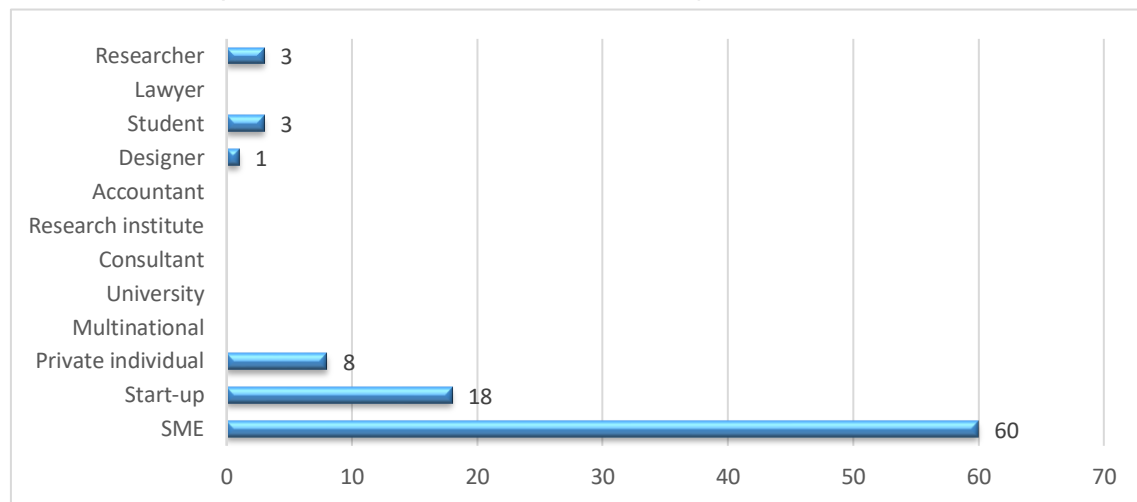
IP consultation days are organised regularly, together with regional partners. Participants (SMEs, start-ups, students etc.) can seek advice from the IPObel’s experts on the protection of IP rights.

2022 marked the return of face-to-face meetings (mainly in Wallonia). However, when the participants were given the choice between attending a physical meeting or a video conference (mainly in the north of the country), it was noted that most participants preferred to attend the meeting remotely. This also impacted the percentage of visitors per province in the North of the country, since clients tended to attend the consultation days organised in their own province in the past.

The clients' freedom to participate in the meetings without having to travel, most likely had a positive effect on the number of registrations, since there were 228 appointments in 2022, which is an increase by 14% compared to 2020-2021 (84 in 2020 and 78 in 2021).

A total of 15 consultation days were held in 2022, with the support of VLAIO in Flanders, and UCM and UMons, CSTC-WTCB and Azimut in Wallonia.

Chart 15. Participants of the IPObel's consultation days



Source: FPS Economy.

A striking number of participants at these meetings with our patent experts are active in the 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. How much does a patent application cost?
4. How can I check whether an invention is already protected by a third party?
5. What are the conditions for filing a patent application?

3. Collaboration with EPO and EUIPO

3.1. EPO

The cooperation agreement between the Belgian Intellectual Property Office and the European Patent Office concluded in October 2021, was continued in 2022. This agreement fits in the framework of establishing a cooperation policy between the national patent offices of the EPO Member States. The activities being set up within this cooperation, are aimed at strengthening the expertise of the national offices and improving a convergence of the practices of those offices, which benefits the users of the patent system.

3.2. EUIPO

The EUIPO collaborates with the central Intellectual Property Offices of the Member States and with the BOIP, focusing on the convergence of practices and tools regarding trademarks and designs. This is done via a number of "European Cooperation Projects" (ECPs), enabling cooperation around a specific theme. The IPObel entered into a cooperation agreement with the EUIPO again in 2022, in order to be able to participate in ECP6 "SUPPORTING SMEs". This cooperation project is aimed at supporting the SMEs with regard to information and access to all intellectual property rights. Within the ECP6 framework, the IPObel was part of work groups developing activities and services for SMEs. Within that same context, the IPObel promoted the SME Fund in Belgium and received a contribution from the EUIPO for its promotion activities, as well as for organising the webinar on alternative dispute resolutions regarding intellectual property rights and updating the "Practical Guide on Intellectual Property Contractual Clauses". A new cooperation agreement for 2023 was negotiated at the end of the year.

4. How to contact us

Federal Public Service Economy, S.M.E.s, Self-employed and Energy

Belgian Intellectual Property Office

Rue du Progrès 50

1210 Brussels

Belgium

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E-mail: 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
UPC	Unified Patent Court
WIPO	World Intellectual Property Organisation



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

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