

Filing a request for change

Customer guidelines




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Introduction

After filing an application for a patent or a supplementary protection certificate (SPC) and before a patent expires, there may be changes that require amendments in the Register. The Register Department of the Belgian Intellectual Property Office (IPObel) processes the registration of such status changes.

There are various types of requests for change. Every change must meet a number of formal requirements in order to be registered correctly, which is why it is important to take into account the legal conditions for the registration of any change.

These guidelines offer instructions on how to file the most common requests for change. They also describe the conditions for filing a request for change.

1. Filing possibilities

There are 4 legally valid ways to correctly file for the registration of a request for change.

1.1. In person

It is possible to submit a request for change in person by appointment only. You need to book the appointment by contacting the Register Department at +32 (0)2/277.60.04.

1.2. By fax

You can also submit a request for change by fax. The fax number of the Register Department is +32 (0)2/277.52.62.

1.3. By mail

Another valid method of filing an application for a request for change is by mail. The postal address of the Register Department is:

FPS Economy, SMEs, Self-Employed and Energy
City Atrium
Intellectual Property Office
Register Department
Rue du Progrès
1210 Brussels
Belgium

1.4. Through eOLF

You can submit a request for change through the online filing portal eOLF. eOLF is an online filing portal for persons with a smartcard. This smartcard, which can be obtained from the EPO, can be used to electronically submit a request for change (among others). You can find more information about access to eOLF and the conditions here: <https://bpp.economie.fgov.be> > eFiling.

1.4.1. Filing a new status change request in eOLF

You can submit a new request for change in eOLF by using the module BECHANGE (see image 1).

Select the module BE(CHANGE) (marked in blue), name the file with your own reference and supply all the other necessary details, for example language (see image 2). A new file will be created (see image 3).

Image 1 Module BE(CHANGE)

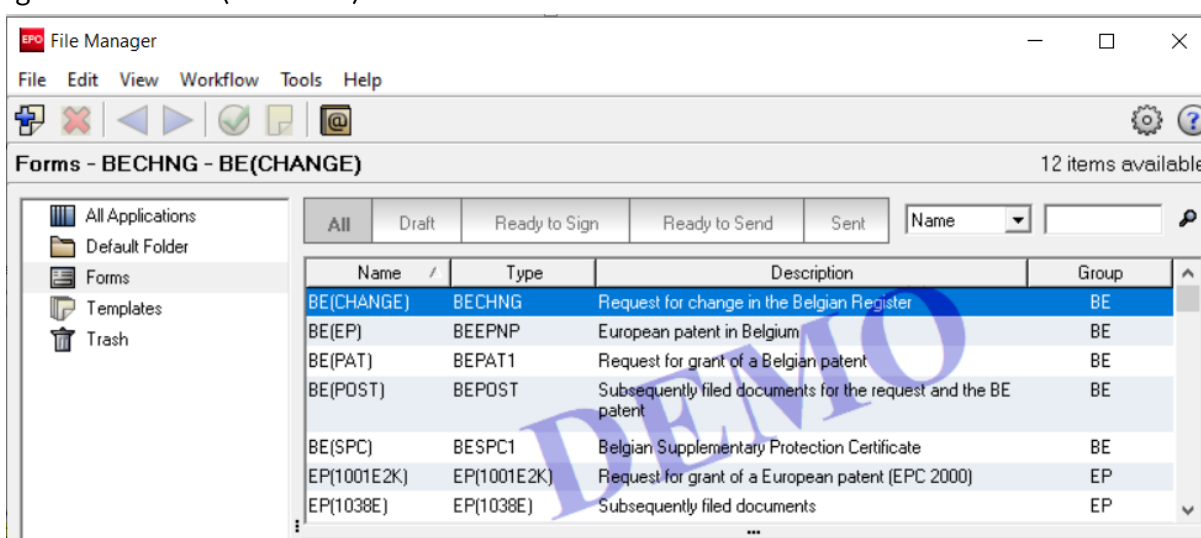


Image 2 Creating a file

Create a New Application

User Reference:

Group:

Procedure:

Description:

Based on Template:

Language of proceedings:

Customer number:

Save to folder:

Image 3 A new file

BE(CHANGE) - Ontwerp - Test Opgeslagen op 24/08/2020

Verzoek Namen Documenten Taksen Annotaties

Mededeling van een wijziging in het Octrooiregister volgens titel 1 - uitvindingsoctrooien - van boek XL.50 en volgende van het wetboek van economisch recht

Nieuwe verandering

Aanvullende documenten die betrekking hebben op een bestaand veranderingsdossier

Nummer van het wijzigingsdossier:

1.4.2. Adding additional documents for a status change request in eOLF

If you wish to add additional documents to your status change request, you can do this via the module BECHANGE as well. After having created a file in the same way as described in 1.4.1, select 'Additional documents relating to an existing change request file' (1) ('*Aanvullende documenten die betrekking hebben op een bestaand veranderingsdossier*' in Dutch, '*Pièces additionnelles relatives à un dossier de changement existant*' in French or '*Ergänzende Dokumente die Bezug haben auf ein bestehendes Änderungsdossier*' in German) and fill in the reference attributed to the file you have created (2)(e.g.: RC2020100123).

Image 4 Adding a document to an existing file

BE(CHANGE) - Ontwerp - Test Opgeslagen op 24/08/2020

Verzoek Namen Documenten Taksen Annotaties

Mededeling van een wijziging in het Octrooiregister volgens titel 1 - uitvindingsoctrooien - van boek XL.50 en volgende van het wetboek van economisch recht

Nieuwe verandering

1 Aanvullende documenten die betrekking hebben op een bestaand veranderingsdossier

2 Nummer van het wijzigingsdossier: Format: RCAAANNNNNN
Voorbeeld: RC2017100001

1.5. Via email

Requests for status changes sent in by email are not legally valid. The email address piie.register@economie.fgov.be can only be used for general questions concerning requests for change.

If you send in a request for change by email, you must confirm this request via one of the valid channels (see 1.1 – 1.4). If you do not submit the request via one of the channels described above, your email will be considered an invalid request for change, which will be rejected.

2. Costs

Filing a request for change is free of charge since 1 January 2017.

3. Language

Every formal request should be made in one of the three national languages: Dutch, French or German. The authorisations or any other documents submitted as proof of the status change must also be written in or translated into Dutch, French or German. The translation of such documents does not require a legalisation; a liberal translation will suffice.

If a contract or any other type of proof consists of a large number of pages, it is not necessary to translate every page. Only the information that is necessary to correctly register a request for change, must be translated. As such, it is possible for a 20-page contract to be translated as a document of 1 or 2 pages.

The following information is considered essential:

- name and address of all parties,
- the patent or patents affected by the status change,
- the agreement that needs to be registered (assignment, merger etc.).

Concerning the compulsory translation of documents that are not written in one of the national languages, there is an exception for documents issued by the European Patent Office: these do not need to be translated. Documents such as an EPO Form 2544 may be submitted as they were issued by the European Patent Office.

4. Electronically signed documents

All applications for change must be signed (including any other document justifying the change, e.g. an assignment document or a power of attorney).

When the request for change is submitted by post or fax, only a handwritten signature is accepted on the request form and any other document accompanying the form.

When the application for change is submitted by eOLF (electronic Online Filing), the application form may be signed by hand or electronically, given the qualified electronic signature used via the eOLF smartcard. However, any other document accompanying the form must be signed by hand.)

5. Original documents

You do not need to send in the original documents of the deeds, certificates or extracts in order to register a request for change; a copy of these documents will suffice.

6. Who can file for a status change?

6.1. Holder

Any patent holder domiciled or effectively established in the European Economic Area, can file for a request for change themselves. Your request does not require proof of identity. On the other hand, anyone who is not established or domiciled in a member state of the European Economic Area, must be represented by a known or recognised patent attorney.

6.2. Patent attorneys

Known or recognised patent attorneys can file for a request for change on behalf of a patent applicant or holder.

You can find more information about the conditions for registration in the register of recognised patent attorneys and about the registration conditions for known patent attorneys on the web page [Recognition of Patent Attorneys](#)

Or: economie.fgov.be > Thema's > Intellectuele Eigendom > Instellingen en actoren > Commissie tot erkenning van de gemachtigden > Erkenning van gemachtigden inzake uitvindingsoctrooien

If you do not meet the conditions to be registered as a known or recognised patent attorney, the request for change must be submitted by somebody who does meet those conditions.

6.3. Other representatives

As an employee of the patent holder, you may file for a request for change but you must provide proof that you work for the patent holder and that you are allowed to submit requests on their behalf, along with proof of identity.

6.4. Requirement for a power of attorney

If you are the patent attorney for the file: since you are already the representative for the file, you do not need to submit a power of attorney.

If you are not yet registered as the patent attorney for the file: most of the changes require a power of attorney. There are a couple of exceptions. These will be indicated underneath each individual change.

If you are an employee of the patent holder: if you wish to file for a request for change as an employee of the patent holder, you must provide proof that you are an employee of the applicant or holder and that you may submit requests on their behalf.

7. Types of status changes

In the next chapter of these guidelines, you will find the conditions for the most common requests for change, as well as the documents that need to be filed for the change to be accepted into the Register.

7.1. Registration of an assignment or transfer

7.1.1. Assignment

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the assignment.
- The form “Mededeling van overdracht/overgang” (Dutch), “Notification de cession/de mutation” (French), or “Anmeldung Übertragung” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele> or go to: <https://economie.fgov.be> > Thema's > Intellectuele Eigendom > Formulieren (Dutch) <https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaires (French).
- Proof of the transfer. This can be the contract itself, the transfer deed or a certificate proving the transfer. The document must be signed by all parties. You do not need to send the original document, a copy will suffice. Please note that the proof does not need to be signed by the holders if the submitted proof is the EPO Form 2544.
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney. Please note that an additional power of attorney is not required if the EPO Form 2544 was submitted as proof for the registration of the transfer.

7.1.2. Succession

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the succession.
- The form “Mededeling van overdracht/overgang” (Dutch), “Notification de cession/de mutation” (French), or “Anmeldung Übertragung” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele> or go to: <https://economie.fgov.be> > Thema's > Intellectuele Eigendom > Formulieren (Dutch) <https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaires (French).
- A notarial deed or a court order declaring the death of the former holder, mentioning the heir or heirs. If there is more than one heir and only one of them inherits the patent, you must also submit a document proving that fact.
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.

7.1.3. Merger

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the merger.
- The form “Mededeling van overdracht/overgang” (Dutch), “Notification de cession/de mutation” (French), or “Anmeldung Übertragung” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele> or go to: <https://economie.fgov.be> > Thema's > Intellectuele Eigendom > Formulieren (Dutch) <https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaires (French).
- Proof of the merger. This can be the contract between the parties, the deed of the merger or a certificate proving the merger.

- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.

7.1.4. Change of address

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the address change.
- The form “Mededeling van overdracht/overgang” (Dutch), “Notification de cession/de mutation” (French), or “Anmeldung Übertragung” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele> or go to: <https://economie.fgov.be> > Thema's > Intellectuele Eigendom > Formulieren (Dutch) <https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaires (French).
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney. Please note that an additional power of attorney is not required if the EPO Form 2544 was submitted as proof for the registration of the change of address.

7.1.5. Change of name

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the name change.
- The form “Mededeling van overdracht/overgang” (Dutch), “Notification de cession/de mutation” (French), or “Anmeldung Übertragung” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele> or go to: <https://economie.fgov.be> > Thema's > Intellectuele Eigendom > Formulieren (Dutch) <https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaires (French).
- Proof of the change of name. This can be an extract of a corporate database (e.g. the Belgian Official Gazette) or another certificate proving the change of name. The document must be signed by all parties. Please note that the proof does not need to be signed by the holders if the submitted proof is the EPO Form 2544.
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney. Please note that an additional power of attorney is not required if the EPO Form 2544 was submitted as proof for the registration of the change of name.

7.1.6. Registration of a change of legal form

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the legal form change.
- The form “Mededeling van overdracht/overgang” (Dutch), “Notification de cession/de mutation” (French), or “Anmeldung Übertragung” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele>

or go to: <https://economie.fgov.be> > Thema's > Intellectuele Eigendom > Formulieren (Dutch)
<https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaire (French).

- Proof of the change of legal form. This can be an extract of a corporate database (e.g. the Belgian Official Gazette) or another certificate proving the legal form change. The document must be signed by all parties. Please note that the proof does not need to be signed by the holders if the submitted proof is the EPO Form 2544.
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney. Please note that an additional power of attorney is not required if the EPO Form 2544 was submitted as proof for the registration of the change of legal form.

7.2. Change of inventor

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the inventor change.
- The form “Mededeling van wijziging uitvinder” (Dutch), “Notification de changement d’inventeur” (French), or “Anmeldung einer Änderung einer Erfinder” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele>
or go to: <https://economie.fgov.be> > Thema's > Intellectuele Eigendom > Formulieren (Dutch)
<https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaire (French).
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.

7.3. Registration of a change of patent attorney

7.3.1. If you are the former patent attorney:

- A written and signed letter addressed to the Belgian Intellectual Property Office, stating that you wish to retract your name as representative. You can also mention who the new representative will be (if you have this information).

7.3.2. If you are the new patent attorney:

- A written and signed letter addressed to the Belgian Intellectual Property Office, stating that you are the new representative for the file.
- A power of attorney signed by the holder, declaring that you are the new patent attorney. This document must also indicate whether your authorisation terminates the previous patent attorney's mandate. Obviously, the signature date of your power of attorney needs to be more recent than the signature date on the previous patent attorney's power of attorney.

7.4. Registration of a license

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the license.
- The form “Licentiemededeling” (Dutch), “Notification de licence” (French), or “Antrag auf Eintragung einer Lizenz” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele> or go to: <https://economie.fgov.be> > Thema's > Intellectuele Eigendom > Formulieren (Dutch) <https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaire (French).
- Proof of the license. This can be the contract itself, the license deed or a certificate proving the license. The document must be signed by all parties. In case of co-ownership of the patent, you must submit the written agreement of all owners, along with your request.
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.
- When filing a request for the registration of a sublicense or when it concerns the assignment of a license, you must mention the details in Section VI of the form “Licentiemededeling” (Dutch), “Notification de licence” (French), or “Antrag auf Eintragung einer Lizenz” (German). This requires the same documents as the registration of a new license.

7.5. Registration of a subpoena

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the subpoena.
- A copy of the subpoena.
- If possible, the final decision concerning the claim or another termination of the procedure.
- This registration is made by the appropriate officer of the court seized, at the request of the applicant or any stakeholder.
- A power of attorney: the requested change requires an additional power of attorney.

7.6. Registration of a pledge

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the pledge.
- The form “Mededeling van een inpandgeving” (Dutch), “Notification d’une mise en gage” (French), or “Anmeldung einer Verpfändung” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele> or go to: <https://economie.fgov.be> > Thema's > Intellectuele Eigendom > Formulieren (Dutch) <https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaire (French).
- Proof of the pledge. This can be the contract itself, the deed, or a certificate of the pledge signed by the parties.
- In the case of co-ownership of the patent, you must submit the written agreement of all owners, along with your request.

- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.

7.7. Registration of a usufruct

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the usufruct.
- The form “Mededeling vruchtgebruik” (Dutch), “Notification d’un usufruit” (French) or “Antrag auf Eintragung eines Nießbrauches” (German). The form is available through the following link: <https://economie.fgov.be/nl/themas/intellectuele-eigendom/formulieren-intellectuele>
- or go to: <https://economie.fgov.be> > Thema’s > Intellectuele Eigendom > Formulieren (Dutch) <https://economie.fgov.be> > Thèmes > Propriété Intellectuelle > Formulaires (French).
- Proof of the usufruct. This can be the contract itself, the deed, or a certificate of the usufruct signed by the parties. In the case of co-ownership of the patent, you must submit the written agreement of all owners, along with your request.
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.

7.8. Registration of a seizure

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the seizure.
- A copy of the seizure order, filed by the seizing creditor must be submitted.
- Power of attorney: If you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.

7.9. Registration of the surrender of a patent

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the full or partial surrender.
- The claim(s) or the part which the holder wishes to surrender, must be added to the request. Please note that the patent cannot be modified in such a way that the subject range is larger than the content of the patent application that was originally filed, nor is it possible to extend the protection range of the most recent valid version of the patent.
- The full text of the modified claim(s) which the patent holder wishes to maintain and, if necessary, the description and the drawing(s) as modified.
- The surrender declaration can only refer to one patent. If the holder wishes to surrender several patents, he must submit the applications separately.
- In the case of co-ownership, the surrender declaration must be made by all owners. If usufruct, pledging or licensing rights are registered, the surrender declaration must be filed with the agreement of all the rights holders.

- It is not possible to fully or partially surrender a patent that is the subject of a property claim, a seized patent, or a patent that was the subject of a decision to grant a compulsory license.
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.

7.10.Registration of the revocation of a patent

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the revocation of the patent.
- The claim(s) or the part of the claims which the holder wishes to revoke, must be added to the request. Please note that the patent cannot be modified in such a way that the subject range is larger than the content of the application that was filed, nor is it possible to extend the protection range of the most recent valid version of the patent.
- The full text of the modified claim(s) which the patent holder wishes to maintain and, if necessary, the description and the drawing(s) as modified.
- A full or partial revocation can only refer to one patent. If the holder wishes to revoke several patents, he must submit the applications separately.
- In the case of co-ownership, the full or partial revocation declaration must be made by all owners. If usufruct, pledging or licensing rights are registered, the revocation declaration must be filed with the agreement of all the rights holders.
- It is not possible to fully or partially revoke a patent that is the subject of a property claim, a seized patent, or a patent that was the subject of a decision to grant a compulsory license.
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.

7.11.Registration of the annulment of a patent

- A written and signed letter addressed to the Belgian Intellectual Property Office, requesting the registration of the annulment.
- A copy of the service of the judicial officers of the judgment or the arbitral judgment.
- The final annulment decision.
- Certificate of no appeal.
- Please note that the patent cannot be modified by an annulment in such a way that the subject range is larger than the content of the patent application that was originally filed, nor is it possible for an annulment to extend the protection range of the most recent valid version of the patent.
- Power of attorney: if you are the representative of the patent, the request for change does not require an additional power of attorney. If you are not the representative of the patent (because another representative is registered or because there is no registered representative), the request for change requires a power of attorney.

8. Regularisation of a status change

If your application for a request for change does not meet the conditions described above, it will need to be regularised. You will receive a notification in writing, including the reasons why a regularisation is necessary.

8.1. Your request is regularised: confirmation of your request

If you provide the necessary information or documents and thus meet all the legal requirements for the regularisation of the request for change, the status change will be implemented in the Register. You will receive a written confirmation of the registration.

8.2. Your request is not regularised: refusal of your request

If you file for a status change, but you do not take any action after receiving a letter warning you that your request needs to be regularised, your request will be refused. You will receive a written confirmation.

9. European patent with unitary effect

Any request to amend a European patent with unitary effect is automatically refused. The application must be submitted to the EPO (European Patent Office) and not to the IPObel (Belgian Intellectual Property Office).

10. Confirmation of the status change

If all the conditions for the registration of the status change are fulfilled, the request for change will be implemented in the Register. You will receive a written confirmation.

11. Publication of the documents

Upon closing your file, regardless whether your request was accepted or rejected, the documents you submitted for the registration of the status change and the letters sent by the Office will be published on eRegister (online). The Office will not modify the submitted documents: if you believe that certain details cannot be published (for example financial details), it is your responsibility to hide the excerpts containing these details. Please note that the essential information for the registration of the status change must remain visible for the Office in order to register the status change.

After the file is closed, it can take a couple of days for the documents to be imported in the online register and for the modification to be visible online.

12. Contact

These are the contact details of the Register Department, which deals with the registration of status changes:

FPS Economy, SMEs, Self-Employed and Energy City Atrium
Intellectual Property Office
Register Department
Rue du Progrès 50
1210 Brussels
Belgium

Tel.: +32 (0)2/277.60.04

Fax: +32 (0)2/277.52.62

Email: piie.register@economie.fgov.be