

The OPRI's services

The Belgian Intellectual Property Office

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Trademarks

What is a trademark?

A trademark can be the name, logo, image, shape, sound or any other sign that a company uses to **distinguish** its own products or services from those of others.

By registering your trademark, you can **prohibit** others from using an identical or similar sign for identical or comparable goods or services for which you have applied a trademark.

The registration of a trademark is **valid for 10 years** and may be extended indefinitely, for periods of 10 years.

A trademark right offers **territorial protection**. You can choose a Benelux trademark, a European trademark valid throughout the European Union, or an international trademark.

How can you check whether a trademark does not already exist?

In the free online **Trademark Register**, on the website of the Benelux Office for Intellectual Property (BOIP), you can check whether a trademark is available or not. This register contains all trademarks registered for the Benelux countries:

<https://www.boip.int/en/trademarks-register#state-search>.

Another tool is the **TMview database**. The information is available free of charge, updated daily and available in 27 languages:

<https://www.tmdn.org/tmview/>.

Where to apply for a benelux, a european or an international protection?

A Benelux trademark application is valid for Belgium, Luxembourg and the Netherlands. The application can be submitted directly to the **Benelux Office for Intellectual Property (BOIP)**. This can be done only online via BOIP Online Filing (www.BOIP.int).



Go to: economie.fgov.be/en/opri
or contact the Belgian Intellectual Property Office directly:

Tel.: +32 800 120 33 (free)

Email: piie.contact@economie.fgov.be

MORE INFO?

A strong trademark deserves a strong protection.

As an entrepreneur, you invest in building up values and a good reputation. With a trademark you create recognition, image and identity.

Do you want optimal protection for your name or logo, to prevent misuse? Do not take any risks and have your trademark registered.

(Note: Belgium, Luxembourg and the Netherlands only provide protection common to all three countries. It is therefore not possible to register a drawing or a design in only one of the three countries.)

A European trademark application is valid for all member states of the European Union. The application can be submitted directly to the **European Union Intellectual Property Office (EUIPO)**, via online filing

(www.EUIPO.europa.eu).



If you wish to benefit from protection outside the European Union, you may consider an international application. The advantage is that, by filing one single application at the **World Intellectual Property Organization (WIPO)**,

you can get a protection in the countries of your choice. More information can be found on the WIPO website: www.WIPO.int.



When filing a trademark application, it may be sensible to be assisted by an expert, although this is not an obligation. For more information, visit www.bmm.be.

Trade name and legal name

A trademark is often confused with a trade name or a legal name, but both have **different functions and rights**:

- A **trademark** has the function of distinguishing the products or services of companies.
- A **trade name** serves to distinguish the companies from one another and has an advertising function.
- A **legal name** merely serves to identify the legal entity and is the official name of that legal entity, as it is included in the statutes and published in the Belgian Bulletin of Acts (e.g. Ltd. or LLC).