Benelux (BX)

Trademark Law

Belgium, The Netherlands, and Luxembourg form a single unified jurisdiction under the Benelux Convention on Intellectual Property with a Benelux trademark and a Benelux Office for Intellectual Property. Individual national trademark registrations do not exist for Belgium, the Netherlands, or Luxembourg.
Legal basis is the Benelux Treaty for Intellectual Property (trademarks and designs) which replaced the Benelux Trademarks Act on September 1, 2006.
Trademark protection is created by registration.
The Benelux countries are members of the Madrid Agreement, of the Madrid Protocol and of the European Union.

Classification

Nice classification, 13th edition

What is Registrable as a Trademark

A trademark may consist of any signs, in particular words, including personal names, designs, letters, numerals, colours, the shape of goods or their packaging, sounds, position marks, motion marks, patterns, multimedia marks and holograms, provided that the signs are capable of:

a. distinguishing the goods or services of one undertaking from those of other undertakings; and
b. being represented in the register in a manner which enables the competent authorities and the public to determine the clear and precise subject matter of the protection afforded to the proprietor.

The sign must also comply with the other requirements for registration, including the absence of applicable absolute grounds for refusal.

Individual trademarks, collective marks and certification marks are registrable. Applications for collective and certification marks must be accompanied by regulations governing use of the mark.

Registration Proceedings

The application is generally filed online with the Benelux Office for Intellectual Property (BOIP) in The Hague. Filing through the national administrations is also provided for under the BCIP.

Multiple-class applications are possible.

Foreign applicants do not need a local trademark attorney. Applicants without a domicile or registered office in the European Economic Area (EEA), and who have not appointed a representative, must provide a correspondence address within the EEA. An appointed representative must have a domicile or registered office within the EEA.

A power of attorney is generally not required for filing an application. BOIP may, however, request one where it has reason to doubt the representative's authority.

Foreign applicants do not need a registration in their country of origin to file a direct Benelux application.
BOIP examines the application for compliance with formal requirements and absolute grounds for refusal. Earlier conflicting rights are not examined by BOIP on its own initiative but may be invoked in opposition or invalidity proceedings.

Signs which lack distinctive character, are descriptive or have become customary may be accepted if sufficient evidence establishes that they acquired distinctive character through use before the application date. Acquired distinctiveness must be established throughout the part of Benelux territory where the objection exists. This does not necessarily require evidence of use in all three Benelux countries; the relevant linguistic area may determine the geographical scope of the evidence required.

The application is published in the online BOIP Trademarks Register once the requirements for a filing date have been met and the goods/services have been classified. Publication does not require prior completion of the examination on absolute grounds.

The opposition period is two months from publication of the application.
The whole procedure takes approximately three months if there are no complications.
An accelerated registration procedure is available upon payment of an additional fee. In this case, the trademark is registered and published once the formal requirements have been met, before completion of the examination on absolute grounds and the opposition procedure. The registration may subsequently be cancelled, wholly or partly, following refusal on absolute grounds or a successful opposition.

Opposition Period

The opposition period is 2 months from publication of the trademark application in the BOIP Trademarks Register.

Trademark Duration

A trademark registration is valid for 10 years from the filing date and may be renewed for further periods of ten years.

Trademark Application Fees

The official fee for filing a trademark application is € 244,- for the first class, € 27,- for the second class and € 81,- for each subsequent class.

Latest update

Oct 15, 2026
Landmark Trademark Protection, Amersfoort, Netherlands