

Royal Decree

Organizing the Confirmatory Deposit provided for in Article 26 of the Uniform Benelux Designs Law

(Brussels, December 27, 1974)

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Industrial design deposits effected in accordance with the provisions of Royal Decree No. 91 of January 29, 1935, or under Sections 14 to 19 of the Law of March 18, 1806, as amended by the Law of December 30, 1925, and by the Royal Decree of June 30, 1933, shall cease to have evidential value on January 1, 1975, unless a confirmatory deposit, as provided for in Article 26 of the Uniform Benelux Designs Law¹, has been effected in the course of 1975 with the Industrial Property Office (hereinafter referred to as “the Office”), in accordance with the provisions of this Decree.

2.–

(1) The confirmatory deposit shall be effected by the production, in triplicate, of a form placed at the disposal of interested parties by the Office, a model of which is annexed to this Decree².

(2) The form shall contain:

- (i) the surname and given names, or trade name of corporate designation, and address, of the applicant;
- (ii) if the applicant is a legal entity, an indication of what kind of legal entity it is;
- (iii) if the deposit is made through the intermediary of an agent, the surname, given names and address of that agent;
- (iv) the date (year, month, day, hour, minute) and the number of the prior deposit, and the court office at which that deposit was made;
- (v) an indication of the type of industry to which the previously-deposited designs related;
- (vi) if the prior deposit consisted of several designs, an indication of those of the designs included in the confirmatory deposit;
- (vii) the signature of the applicant or his agent.

A photographic or graphic representation of the previously-deposited designs shall accompany the form.

(3) If, at the time of the prior deposit, the right of priority provided for in Article 4 of the Paris Convention for the Protection of Industrial Property was claimed, that fact may be mentioned on the form, with an indication of the date, the country and the number of the deposit on which the right of priority was based.

(4) Each confirmatory deposit shall relate to one prior deposit only.

3.–

The photographic or graphic representation of a previously-deposited design shall be on white paper and shall show contrasts clearly. Its dimensions may not exceed eighteen by twenty-four centimeters. Each representation shall be submitted in ten copies.

¹ See *Industrial Property*, 1974, p. 178.

² The model is not published here.

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The confirmatory deposit may be effected through the intermediary of an agent. The agent shall have a residence or place of business in Belgium and shall produce a general or special power of attorney. If a general power of attorney is used, a copy thereof shall be produced.

An applicant who has neither a residence nor a place of business in Belgium, and who does not effect the confirmatory deposit through the intermediary of an agent, shall state an address for service within the Kingdom.

In the cases referred to in the foregoing paragraphs, any communication from the Office relating to the deposit shall be sent to the residence or place of business of the agent or the address for service of the applicant, as the case may be.

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If, at the time of the confirmatory deposit, not all the provisions of this Decree have been complied with, the Office shall inform the party concerned accordingly. The latter may complete his application by December 31, 1975, failing which the documents received shall not be processed further. The party concerned shall be notified accordingly.

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All documents shall be dated on receipt by the deposit bureau of the Office, whether they are handed over directly or sent by mail. The form shall also be given a serial number.

The deposit bureau shall be open to the public on all working days except Saturdays, from 10 a. m. to 12 noon and from 2 to 4 p. m.

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If the deposit complies with all the provisions of this Decree, the Director of the Office or a person delegated him shall affix his signature to each copy of the form and its annexes; these documents shall be stamped with the stamp of the Office; each copy shall also indicate the date on which the signature was affixed to it. A copy of the form and of the representation or representations attached to it shall then be handed to the applicant or to his agent, as the case may be, and shall constitute proof that the deposit has been made.

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As from the day mentioned in Article 7, the documents constituting the confirmatory deposit may be consulted by the public in the reference room of the Office.

As from the same day, photocopies of those documents may be obtained at the prices fixed by the Royal Decree of November 10, 1956, on the pricing of publications and documents issued by the Industrial Property Office, as amended by Decree of August 26, 1963.

At the request of interested parties, photocopies of the aforementioned documents shall be certified, by the Director of the Office, or a person delegated by him, as being in conformity with the documents reproduced.

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This Decree shall enter into force on January 1, 1975.