

Royal Decree of August 21, 1981 on the Filing of International Patent Applications in Belgium

(as Amended by the Royal Decree of December 2, 1986, on Applications for Patents, and the Granting and Maintenance of Patents) *

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1. For the purposes of this Decree:

“Office” shall mean the Industrial and Commercial Office of the Ministry of Economic Affairs;

“Treaty” shall mean the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970;

“Regulations” shall mean the Regulations forming an integral part of the Treaty;

“Rule” shall mean a Rule of the Regulations referred to above;

“Adopting Law” shall mean the Law of July 8, 1977, adopting the Treaty.

2. All other terms or expressions used in this Decree and also used in the Treaty shall be understood in the meaning they have in the Treaty.

2.–

International applications for which the Office acts as receiving Office shall be subject to the provisions of this Decree in addition to the provisions of the Treaty, the Regulations, the Adopting Law and of Chapter III of the Patent Law of March 28, 1984.³

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1. The European Patent Office shall be designated to carry out international searches for international applications filed with the Office.

2. The European Patent Office shall be designated to carry out the international preliminary examination referred to in Chapter II of the Treaty and in the corresponding provisions of the Regulations, particularly Parts C and F.

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International applications may be filed with the Office by Belgian nationals or by natural persons or legal entities having their place of residence or headquarters in Belgium.

International applications may be filed with the Office through the post, it being understood that the cost of posting shall be borne by the applicant.

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1.

(a) International applications filed with the Office and each of the documents mentioned in the check list shall be submitted in three identical copies, one of which shall be the original and two shall be photocopies, satisfying the conditions set out in Rules 11.2 to 11.15.

* *French title:* Arrêté royal relatif au dépôt d'une demande internationale de brevet en Belgique (du 21 août 1981).

Entry into force (of the Decree of 1986): January 1, 1987.

Source: *Moniteur belge*, November 5, 1981, pp. 14013. *et seq.* and December 6, 1986, pp. 16584 *et seq.*

³ *Ibid.*, BELGIUM – Text 2-004.

(b) The receipt for the fees paid or the check intended for payment of the fees and the priority document, however, shall in all cases be filed in one single copy.

2. Where less than three copies are filed, the Office shall make the required number of copies. Payment of a fee shall be required for the making of copies and the amount of the fee shall be that laid down in the schedule applicable for copies made by the Office.

6.-

1. In addition to the fees laid down in Rules 15 and 16, international applications shall be subject to payment of a transmittal fee for the benefit of the Office in accordance with Rule 14. This fee shall be paid within a time limit of one month from the date of receipt of the international application.

2. The amount of the transmittal fee shall be 1,500 francs.

3. The net amount of fees under paragraphs 1 and 2 of the present Section shall be remitted or paid in Belgian francs to the postal check account of the Office or by means of a check made out in Belgian francs and payable to the Office on a bank having its headquarters in Belgium or by debit from an account opened with the Office.

4. Payment of the fees under paragraphs 1 and 2 of the present Section may be made subsequent to the date on which international applications are received by the Office, subject to the conditions laid down in Rule 15.4(a), (b) and (c).

5. The purpose of the payment shall be stated in writing in a full and clear manner and the total shall be broken down where necessary.

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The Office shall transmit international applications to the International Bureau and to the International Searching Authority in accordance with Article 12 of the Treaty.

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This Decree shall enter into force on the date on which the Treaty enters into force in respect of Belgium.

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Our Minister of Economic Affairs and Our Minister of Finance shall be responsible, each as far as he is concerned, for the execution of this Decree.