

Administrative Regulations under the Uniform Benelux Law on Marks*

The Executive Board of the Benelux Trademark Office,

Considering the Protocol of May 31, 1989, establishing the Executive Rules referred to in Article 2.1 of the Benelux Convention on Trademarks,

Considering Article 2.1 and Article 4.2 of the Benelux Convention on Trademarks, signed in Brussels on March 19, 1962,

Has decided to repeal the Administrative Regulations of October 21, 1986, that entered into force on January 1, 1987, and to replace them with the present Regulations:

Article 1

1. The model forms (A4 format) referred to in Articles 1.2, 2(a) and 11.2 of the Executive Rules, relating to filing, the anticipation search and renewal of the registration of a Benelux filing, are given in the annexes¹ to these Regulations; the forms must be submitted in four copies.

2. Notwithstanding Article 25 of the Executive Rules, those forms that do not come from the Benelux Office or the national offices shall nevertheless be accepted on condition that they contain, in particular, the corresponding headings and reference numbers shown on the above-mentioned forms.

Article 2

1. Word marks must be clearly entered in block letters on the forms referred to in Article 1.

2. Marks containing special typefaces or a special form of writing, figurative marks, marks in color and marks entirely or partly in three dimensions constituted, *inter alia*, by the shape of the product or its packaging, must be reproduced in black, printed on white paper, and submitted with the filing in 15 copies, of which four must be pasted on the forms. When requesting renewal, five reproductions must be attached.

3. The black and white reproductions referred to in paragraph 2 must comply with the following requirements:

- (a) they must be a photographic or graphic reproduction with clear contrasts, be printed on matt white square paper of professional quality and have a neutral, preferably white, background without shadow; all elements of the mark must be legible, clear and distinct;
- (b) where colors are claimed, the black and white reproductions should preferably be executed in the form of a grid emphasizing the color differences.

4. Where a color or colors are claimed as distinctive elements of the mark, 20 reproductions of the mark in color must additionally be attached to the filing and to the request for renewal; they must satisfy the requirements of paragraph 3(a).

5. The height and width of the reproductions referred to in paragraph 2 may not be less than 15 mm nor more than 8 cm. If the mark comprises a number of separate parts, each such part shall comply with the above-mentioned dimensions. They must be grouped together and pasted on one A4 sheet of paper.

6. The dimensions of the reproductions referred to in paragraph 4 may not exceed the height and width of the A4 format.

**French title*: Règlement d'application de la Loi Uniforme Benelux sur les Marques.

Entry into force: July 1, 1989.

Source: Communication from the Benelux Designs Office.

Note: For the Benelux Convention Concerning Trademarks/Uniform Benelux Law on Marks and the Executive Rules thereunder, see Industrial Property Laws and Treaties, MULTILATERAL TREATIES - Texts 3-002 and 3-008, respectively.

¹ Not reproduced here (*Editor's note*).

Article 3

The regulations referred to in Article 2(b) of the Executive Rules must be submitted in four copies.

Article 4

1. The model forms (A4 format) referred to in Article 16.2 of the Executive Rules, for international registration, renewal of international registration and territorial extension of protection, are given in the annexes to these Regulations.

Where the application for international registration comprises a list of goods and services in Dutch, a translation of the list into French must be attached.

2. The forms and the translation must be filed in four copies.

Article 5

Any request for modifications or supplements to the Benelux Register or to the register of international registrations kept by the International Bureau for the Protection of Industrial Property must be filed in three copies. Letters and communications addressed to the Benelux Office or to the national offices must be filed in two copies, except where sent by telegraph, telex or other similar means of communication.

Article 6

Receipt for any document intended for recording in the Benelux Register or in the register of international registrations kept by the International Bureau for the Protection of Industrial Property shall be given by returning a copy of the document or a copy of the accompanying letter bearing the stamp as provided in Article 22 of the Executive Rules.

Article 7

1. Filing of general powers of attorney shall be effected by submitting a request accompanied by a power of attorney form dated and signed by the owner, together with a copy thereof.

2. The copy shall be returned to the owner bearing a stamp showing the registration number.

3. Where use is made of general powers of attorney, reference to such powers is to be made in any operation, either by giving the registration number of those powers or by submitting a copy of the powers.

Article 8

1. The Benelux Office and the national offices are open to the public, as regards operations affecting the date of the Benelux filing, from Monday to Friday from 10 a.m. to 12 noon and from 2 p.m. to 4 p.m., except on the following days: January 1 and 2, Shrove Monday, Good Friday, Easter Monday, April 30, May 1 and 5, Ascension Day, Whit Monday and Whit Tuesday, June 23, July 21 and 22, August 15, the Monday of *Schobermesse*, November 1, 2, 11 and 15, December 24, 25 and 26.

2. The national offices are closed to the public, for consulting the Register of Benelux filings and for providing information relating to registered Benelux marks, on the days on which the Benelux Bureau is completely closed, i.e., January 1, Good Friday, Easter Monday, April 30, May 5, Ascension Day, Whit Monday, June 23, July 21 and December 25 and 26.

3. If the Benelux Office and the national offices are also closed on days and at times other than those stated above, they shall be communicated in the *Recueil des Marques Benelux – Benelux-Merkenblad*.

Article 9

1. Payment of the fees and remuneration due pursuant to Article 28 of the Executive Rules for operations effected at the Benelux Office or at the national offices may be paid in one of the following ways:

- (a) by remittance or payment to the postal check account or bank account of the Benelux Office in the country in which the operations are effected;
- (b) by written request - in duplicate - to debit the amount from a current account opened by the applicant or his representative with the Benelux Office. In such case, the holder of the account

receives at least once a quarter a recapitulation of payments and communication of the balance of his account;

(c) by a check drawn up to the order of the Benelux Office.

2. Payment for issues of the *Recueil des Marques Benelux – Benelux-Merkenblad* and annual subscriptions shall be made as set out above in paragraph 1.

3. All payments must clearly and fully indicate the purpose of payment, with a detailed statement of each operation where appropriate.

4. Payments referred to in paragraph 1 must be made prior to each operation, subject to Articles 3 and 12 of the Executive Rules. Proof of payment must be submitted at each operation with the Benelux Office or with the national offices. The following shall be held proof of payment:

(a) the document issued by a postal service, by the postal check office or bank or a copy of the document if it shows that the remittance or transfer has been made;

(b) the written request to debit the amount to a current account with the Benelux Office where such account has a sufficient balance;

(c) the check, subject to collection of the check.

Article 10

These Regulations shall enter into force on July 1, 1989.