

Leaflet European Patent in Belgium

National patent number

No national patent number is assigned to the Belgian part of the European patent.

Duration

Provided that the annual national renewal fees are paid, the patent has a duration of 20 years from the European filing date.

Compulsory use

A patented invention must be worked in Belgium within 4 years of filing the application or within 3 years of grant, whichever period lasts longer. In case of a patented machine, the manufacture in Belgium by the patent owner of products obtained by use of the machine may be considered sufficient working if such manufacture would appear to be more important for the economy of the country than the manufacture of the machine itself. If a patent is not sufficiently worked and the non-working is not justified by legitimate reasons, the patent will become subject to the grant of compulsory licenses.

Marking

Marking is not compulsory.

Licenses

Licenses must be recorded in order to be effective against third parties. To this effect a declaration on a special form issued by the Belgian Patent Office signed by licensor and licensee and accompanied by a certified copy of the license agreement must be filed with the Office. We recommend that you contact us if you intend to grant a license under the Belgian part of your European patent.

EU member countries

Belgium is a member of the European Union (EU). As far as patents are concerned, this has the consequence that once products protected by the patent are sold by or with the permission of the patentee in one EU member country, shipment of these products into and out of other EU member countries basically cannot be prevented. Please do not hesitate to contact us if you have any questions on this issue.