

MODERNIZATION OF THE PATENT ACT 1995. ANOTHER STEP FORWARD

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Legislation that will make the Patent Act 1995 fit for purpose has been brought another step forward. On January 30th, 2026, the Council of Ministers approved the bill to modernize the Patent Act 1995, which applies in The Netherlands, Curaçao and Sint Maarten. The bill has now been sent to the Advisory Division of the Council of State for the Kingdom for advice. It is the most substantive revision of the Patent Act 1995 in years. This article gives an overview of the main changes that are proposed in the bill.

MAIN CHANGES

The core of the modernization bill is the introduction of the examined patent, with the simultaneous abolition of the existing unexamined patent. Under the existing 1995 Act, the Netherlands Patent Office issues a novelty report, but a patent is granted automatically regardless of the results. The new bill introduces a fundamental shift: in the future the Netherlands Patent Office will substantively examine all patent applications and will only grant patents based on applications that meet all legal requirements. Crucially, this means that a negative examination report will lead to the refusal of a patent. It is a fundamental choice in favor of a more legally certain and valuable national patent system.

Simultaneously with the introduction of the examined patent, it will become possible to continue international patent applications based on the Patent Cooperation Treaty (PCT) directly as national patent applications in the Kingdom of the Netherlands at limited cost. This so called PCT-NL route will offer applicants, particularly SMEs, a cheaper and more flexible route than via the European Patent Office (EPO).

The introduction of the examined patent and the opening of the PCT-NL route have consequences for the set up of the granting procedure. In general, the aim is to allow for a more user-friendly and efficient procedure. Particularly noteworthy is the introduction of the concept of further processing. This will make it easier to correct minor errors or missed deadlines by submitting a request and paying a fee. Further processing replaces the more burdensome correction procedure set out in the current Article 23 of the Patent Act 1995.

Other (procedural) simplifications are also being implemented. This contributes to the program of the Minister of Economic Affairs to reduce the regulatory burden.

CHANGES IN LEGAL PROTECTION PROCEDURES

Closely linked to the (re)introduction of the examined patent are the changes to the legal protection system. After the Netherlands Patent Office has granted or refused a patent following a substantive examination, it will be possible to lodge an objection with the Netherlands Patent Office and appeal to the courts against that decision. The objection procedure against the granting of a patent will be modeled as much as possible on the opposition procedure at the European Patent Office (EPO). This means, among other things, that exhaustive grounds for objection will be used and that the period for objecting to the granting of a patent will be nine months.

Appeals will be heard by the District Court of The Hague. A patent chamber will be established at that court, where patent law expertise for both administrative and civil proceedings will be concentrated. The Court of Appeal in The Hague also has such a patent chamber. Another new development is the introduction of (purely) technically trained patent judges who may be part of the patent chamber. Appeals to the court will be limited to one court of fact (the District Court of The Hague), with the possibility of cassation before the Supreme Court. The District Court of The Hague will also be able to refer questions to the Supreme Court for a preliminary ruling.

OTHER CHANGES

The current prohibition on double protection by means of a European patent and a national patent for the same invention will be lifted. This will make the national patent a strategically stronger instrument, guarantee access to the specialized Dutch courts, and offers patent holders additional security within their international portfolio.

Licensees will be given more opportunities to take independent action against patent infringement. This increases the value of licenses and makes patents more attractive for financing and collaboration.

The scope of the Patent Act 1995 will be extended to the exclusive economic zone (EEZ) of The Netherlands, Curaçao and Sint Maarten. As a result, patent protection will also apply to inventions at sea, for example in wind farms, floating solar panels, and other installations.

INTERNET CONSULTATION AND FURTHER PROCESS

The bill that has now been sent to the Council of State is a follow-up to the version that was the subject of an internet consultation that took place from December 2024 until March 2025. The responses to that consultation have led to amendments to parts of the bill. A report on the internet consultation and what has been done with the responses has been published on the consultation website: <https://www.internetconsultatie.nl/moderniseringrijksoctrooiwet/>

Once the Council of State for the Kingdom has given advice on the proposed bill, it will be submitted with Parliament.

Users will be involved and guided in a timely manner in the transition to the new system, with special attention being paid to SMEs.

Do you have questions or want to read more? More information about the legislative change, including the bill and the explanatory memorandum, and updates on the further process can be found on the website of the Netherlands Patent Office: <https://www.octrooicentrum.nl/wet-en-praktijk/modernisering-rijksoctrooiwet-1995>

About the Author

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Nick Kruijssen

INTERNATIONAL TRADEMARK REGISTRATION VIA SINT MAARTEN

A digital system for (almost) worldwide trademark protection.

Your trademark is a key asset of your business. With the modern digital systems of BIP SXM, protecting your trademark is now faster and easier than ever. Thanks to the membership of Sint Maarten (Dutch part) of the [Madrid Protocol](#), both national and international trademark procedures can be filed electronically through BIP SXM.

BIP SXM now offers a fully online registration system that makes the entire procedure fast, transparent, and user-friendly. Both [national trademark applications](#) in Sint Maarten, and [International trademark applications](#) via the Madrid Protocol can now be filed electronically.

WHY PURSUE INTERNATIONAL PROTECTION VIA SINT MAARTEN?

If you have the ambition to take your business abroad, protecting your trademark on the markets you will be entering is key, just as it is at home. Of course you may apply for a registration in all territories you will be active in separately. However, there is the option to claim protection abroad centralized. Using the Madrid Protocol allows you to seek trademark protection in more than 130 countries over the world, under which the USA, the EU and China, but also more regional since countries like Curacao, Saint-Barthelemy and Saint Martin (French Side) are members of the Madrid Protocol.

Using the Madrid Protocol will result in lower costs and reduced paperwork. All registrations in the designated countries will be handled as a single online file. Payment of fees is done at WIPO where there is also a centralized management of renewals and administrative updates. Your national trademark registration in Sint Maarten serves as the basis for your international application and therefore as the foundation for protection in all designated countries.

HOW IT WORKS

1. File your basic trademark application online with BIP SXM.
2. File your International application based on your Sint Maarten trademark online.
3. Select the countries where you want to extent your protection to.
4. Pay [the fees due](#) in one single transaction.
5. Track and manage your applications.

BENEFITS FOR YOUR BUSINESS

The benefits are plenty. Firstly, you will profit from having one digital access point for your international trademark protection. The process thereof is fast and transparent and there will obviously be less complexity and cost compared to filing separately in each country. Therefore, using the Madrid Protocol is ideal for companies expanding internationally—whether through exports, franchising, licensing, distribution, or online sales.

START YOUR DIGITAL TRADEMARK REGISTRATION TODAY

Ready to professionally and globally protect your trademark? With BIP SXM's modern electronic systems, filing both national applications and Madrid international applications is easier than ever.

About the Author

Camille Janssen is a Principal Legal Officer at the Benelux Office for Intellectual Property (BOIP). In this role, he helps shape legal policy, represents the Office before the Benelux Court of Justice, and contributes to the development of Benelux intellectual property legislation. He has also advised on Sint Maarten's trademark legislation and supported the establishment of the BIP SXM register.



Camille Janssen



WHATS NEW!

- WIPO – Grenada has joined the Madrid System effective March 15th, 2026. For more information, please click the [link](#). Source: WIPO
- BIP SXM has launched a new fully digital [e-filing system](#), effective February 16th, 2026.





UPCOMING EVENTS

Vol 1 2026 Event Calendar

April

- 1st - 30th

WIPO various workshops & webinars ▶ wipo.int

Note: kindly select the month of April to view all the workshops and seminars scheduled.

Location: [In-person, hybrid & virtual](#)
- 9th

INTA Roundtable: A Journey of a Dupe: Crossing the Line from Dupe to Counterfeit ▶ inta.com

Location 1: [In-person, \(Chicago, IL\)](#)

Location 2: [In-person, \(Los Angeles, CA\)](#)
- 10th

INTA Roundtable: A Journey of a Dupe: Crossing the Line from Dupe to Counterfeit ▶ inta.com

Location 1: [Irvine, CA](#)
- 13th

INTA Roundtable: A Journey of a Dupe: Crossing the Line from Dupe to Counterfeit ▶ inta.com

Location 1: [Boston, MA](#)
- 14th

INTA Roundtable: A Journey of a Dupe: Crossing the Line from Dupe to Counterfeit ▶ inta.com

Location 1: [In-person, \(Miami, FL\)](#)

Location 2: [In-person, \(Atlanta, GA\)](#)

Location 3: [In-person, \(Minneapolis, MN\)](#)

Location 4: [In-person, \(Philadelphia, PA\)](#)
- 15th

INTA Roundtable: A Journey of a Dupe: Crossing the Line from Dupe to Counterfeit ▶ inta.com

Location 1: [In-person, \(Indianapolis, IN\)](#)

Location 2: [In-person, \(Baltimore, MD\)](#)

Location 3: [In-person, \(Santa Monica, CA\)](#)
- 15th

Sustainability and Geographical Indications: Navigating Opportunities and Challenges ▶ inta.com

Location: [Virtual](#)
- 16th

INTA Roundtable: A Journey of a Dupe: Crossing the Line from Dupe to Counterfeit ▶ inta.com

Location 1: [In-person, \(Portland, OR\)](#)

Location 2: [In-person, \(New York, NY\)](#)

Location 3: [In-person, \(Palo Alto, CA\)](#)

May

- 1st - 31st

WIPO various workshops & webinars ▶ wipo.int

Note: kindly select the month of May to view all the workshops and seminars scheduled.

Location: [In-person, hybrid & virtual](#)
- 2nd - 6th

Annual Meeting 2026 ▶ inta.com

Location: [London, England](#)
- 5th

IPCA at INTA 2026: The 11th half-yearly meeting ▶ ipca.website

Location: [In-person, \(Sky Lounge & Deck, Sunborn London Yacht Hotel\)](#)
- 26th

The IPR Gorilla: The Global Virtual Conference on Trademarks & Copyrights ▶ theiprgorilla.com

Location: [Virtual](#)

June

- 1st - 30th

WIPO various workshops & webinars ▶ wipo.int

Note: kindly select the month of June to view all the workshops and seminars scheduled.

Location: [In-person, hybrid & virtual](#)
- 16th

INTA Roundtable: Beyond Trademarks- Other IP Enforcement Tools for Your Brand ▶ inta.com

Location 1: [In-person, \(New York, NY\)](#)

Location 2: [In-person, \(Atlanta, GA\)](#)

Location 3: [In-person, \(Foster City, CA\)](#)

17th

INTA Roundtable: Beyond Trademarks- Other IP Enforcement Tools for Your Brand

▶ [inta.com](https://www.inta.com)Location 1: [In-person, \(Cincinnati, OH\)](#).Location 2: [In-person, \(Burbank, CA\)](#).Location 3: [In-person, \(Stamford, CT\)](#).23rd

INTA Roundtable: Beyond Trademarks- Other IP Enforcement Tools for Your Brand

▶ [inta.com](https://www.inta.com)Location: [Coral Gables, FL](#)24th

INTA Roundtable: Beyond Trademarks- Other IP Enforcement Tools for Your Brand

▶ [inta.com](https://www.inta.com)Location: [Nashville, TN](#)

The Netherlands Patent Office Webinars

The Netherlands Patent Office hosts a variety of webinars. For more information, please click the [link](#) to learn more about their events.

Topics covered:

- General IP rights;
- Collaborating with unique knowledge;
- Strategic entrepreneurship with intellectual property;
- Searching patent databases.

Practical information:

- Tuesdays and Thursdays;
- Start times: 10:00 a.m. or 3:00 p.m. (European time);
- Language: Dutch (the webinar on general IP rights is also available in English);
- Future: more English webinars may be added.

- This list is not exhaustive.



Disclaimer:

The Bureau is not a regulatory body and therefore does not have any law enforcing authorities. By law the Bureau carries out tasks pertaining to the registration of trademarks, provides information to the public regarding intellectual property rights, and thereto related matters. The Bureau's position is neutral. Given the fact that the Bureau has to serve all entrepreneurs, it cannot take the side of one party in a conflict, since this would automatically result in no longer being able to serve all. The Bureau cannot act against any infringement of intellectual property rights or the suspicion thereof. Furthermore, the law does not provide for any instruments for the Bureau to conduct any procedures in relation to infringement or dispute settlement. In the event of any (suspected) infringement, a lawsuit should be filed with the civil court by the owner of the intellectual property rights.