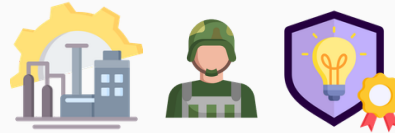


Intellectual Property & Defense industry

06.2026



Issue

Intellectual Property (IP) refers to creations of the mind that the law protects by giving creators certain exclusive rights such as:

- Inventions (protected by **patents** and **utility models**)
- Creative works like books and artwork (incl. softwares) or the appearance/shape/form of an item (protected by **copyrights** or **designs**)
- Brand identifiers such as names, logos, and slogans (protected by **trademarks**)
- Confidential business information, formulas, or processes (protected as **trade secrets**).

Why is IP important ? Because it enables you to **protect** your innovations, know-how and market position. You thus **prevent** competitors from copying/initiating your solutions ; you **avoid** unnecessary investments in R&D and marketing ; you **build** a corporate identity and brand strategy which overall, **increases** the value of your company.

Why is IP even more important in the defense industry ? Because it has **strategic and national relevance** in addition to its commercial value. Without robust IP management, your company and your country are exposed to **risks** such as: loss of technological sovereignty, industry espionage, litigation risks, inability to exploit/valorize innovations, challenges in public procurement etc.

Key Takeaways

1. Basic Intellectual Property Rights (IPR) rules

- **Registration**: you need to apply for such rights and they are given for a specific territory (e.g. patents, designs, trademarks)
- **Patents**: three cumulative criteria : novelty + innovation + industrial application
- **Regime of priority**: importance of the initial filing date
- **Freedom to Operate (FTO)**: you need to make sure not to interfere with/infringe third-party IP
- **Time limits**: patents (20y.), designs/models (25y.), trademarks (unlimited if used), copyrights (70y. after death of author)

2. Defense Industry

- **Belgium** : Law of 1955: you need to file your patent first to the **Belgian IP Office** instead of the EU patent office if you think your application may be relevant to the defence of Belgian territory or State security as the relevant ministries could decide to restrict disclosure of the patent
- **France** : **specific desk within the DGA** (*Direction générale de l'armement*) : approx. 20 000 patent requests were examined in 2024 (1% of them were kept secret by decision of the French authorities)

3. Remember : DO NOT

- disclose confidential information without a non-disclosure agreement (NDA)
- grant easy access to confidential information (physically and electronically ; need-to-know basis)
- start marketing a solution without having made FTO checks for conflicting IPRs

To Do



- **Map** your portfolio of products and **assess** its IP protection
- Implement robust **legal safeguards** to protect your know-how (e.g. NDAs, contractual clauses)
- **Identify** the correct process in your country for defense-related IP
- Conduct a **periodic IP re-assessment** (e.g. territorial coverage, infringements, competitors)

Support



Non-exhaustive examples

- **D-Wise Strategy**: Gap analysis of your portfolio's IP protection
- **D-Wise Consult**: What is the IP process in my country for defense-related IP ? Do my product fulfills the IP-related eligibility criteria in the context of EU-funded defense programs? Is my NDA robust enough ?
- **D-Wise Academy**: tailored on-site training to raise awareness on the topic