
**Council for Trade-Related Aspects
of Intellectual Property Rights**

Original: English/
anglais/
inglés

**MAIN DEDICATED INTELLECTUAL PROPERTY LAWS AND REGULATIONS
NOTIFIED UNDER ARTICLE 63.2 OF THE AGREEMENT**

NORWAY

The present document reproduces the text¹ of the Trademarks Act, which entered into force on 1 July 2010, as notified by Norway on 12 June 2012 under Article 63.2 of the Agreement (see document IP/N/1/NOR/3).

**Conseil des aspects des droits de propriété
intellectuelle qui touchent au commerce**

**PRINCIPALES LOIS ET RÉGLEMENTATIONS CONSACRÉES À
LA PROPRIÉTÉ INTELLECTUELLE NOTIFIÉES AU TITRE
DE L'ARTICLE 63:2 DE L'ACCORD**

NORVÈGE

Le présent document contient le texte¹ de la Loi sur les marques, entrée en vigueur le 1^{er} juillet 2010 et notifiée par la Norvège le 12 juin 2012 au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/NOR/3).

**Consejo de los Aspectos de los Derechos de Propiedad
Intellectual relacionados con el Comercio**

**PRINCIPALES LEYES Y REGLAMENTOS DEDICADOS A LA
PROPIEDAD INTELECTUAL NOTIFICADOS EN VIRTUD
DEL PÁRRAFO 2 DEL ARTÍCULO 63 DEL ACUERDO**

NORUEGA

En el presente documento se reproduce el texto¹ de la Ley de Marcas de Fábrica o de Comercio, que entró en vigor el 1° de julio de 2010, notificada por Noruega el 12 de junio de 2012 en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/NOR/3).

¹ In English only./En anglais seulement./En inglés solamente.

LOV 2010-03-26 nr 08: The Trademarks Act

This is an unofficial translation of the Norwegian Trademark Protection Act (Act no.08 of 26 March 2010). Should there be any differences between this translation and the authentic Norwegian text, the decision will be made on the basis of the authentic Norwegian text.

Date of enactment of the original text.	26-03-2010
Date of entry into force of the original text.	01-07-2010
Date of entry into force of the last amendment(s).	Not relevant.
Ministry responsible.	JD (Ministry of Justice and Public Security)
Short title.	The Trademarks Act

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The Norwegian Trademark Protection Act (the Norwegian Trademarks Act)

Cf. *former* Act no. 4 of 3 March 1961 on trademarks and Act no. 5 of 3 March 1961 on collective marks.

Chapter 1. General Provisions

§ 1. Exclusive right to a trademark, etc.

Any person may acquire an exclusive right to use a trademark as a distinctive sign for goods or services in an industrial or commercial establishment under the provisions of this Act (trademark right).

A society or other organisation may acquire an exclusive right for its members to use a collective trademark for goods or services in an industrial or commercial establishment (collective mark). A public authority, foundation, company or other organisation that establishes standards for or conducts any other check on goods or services may acquire an exclusive right to use a trademark for such goods or services to which the standards or the check apply (guarantee or check mark). Trademarks such as those mentioned in this paragraph are called collective marks.

Any person who uses his own name or a protected business name as a distinctive sign for his goods or services enjoys protection under the rules of this Act against unlawful use of the name as a trademark by other persons within the same geographical territory.

§ 2. Signs that may be trademarks

A trademark may consist of any type of sign that is capable of distinguishing one establishment's goods or services from those of another, for example words and combinations of words, including slogans, names, letters, numerals, figures and pictures, or the shape, get-up or packaging of goods.

A trademark right may not be acquired for signs that consist solely of a shape that proceeds from the nature of the goods, is necessary to obtain a technical result or adds significant value to the goods.

§ 3. Establishment of a trademark right

A trademark right may be acquired for all of Norway by registering the trademark in the Register of Trademarks under the provisions in Chapter 2.

A trademark right may also be acquired for all of Norway by international registration under the provisions in Chapter 10.

A trademark right is acquired without registration when the mark is established by use. A trademark is considered to be established by use when and for as long as it is well known in the circle of trade in Norway for the goods and services in question as someone's distinctive sign. If such establishment by use exists only in part of Norway, the exclusive right applies only to this territory.

§ 4. Content of a trademark right

A trademark right means that no one, without the consent of the holder of the trademark right (trademark holder), may use the following in an industrial or commercial establishment:

- a) signs that are identical to the trademark for goods or services for which the trademark is protected
- b) signs that are identical or similar to the trademark for goods or services of the same or similar type if there is a risk of confusion, for example if the use of the sign may give the impression that there is a link between the sign and the trademark.

For a trademark that is well known in Norway, the trademark right means that no one, without the consent of the trademark holder, may use a sign that is identical or similar to the trademark for goods or services of the same or any other type if the use would result in unreasonable abuse of or damage to the distinctive feature or reputation (goodwill) of the well-known trademark.

Use is considered to include the following:

- a) placing the trademark on goods or their packaging
- b) offering goods for sale or otherwise bringing them to market, storing or delivering them under the sign or offering or supplying services under the sign
- c) importing or exporting goods with the trademark on them
- d) using the sign on business documents and in advertising.

Verbal use of the sign is also considered to be use.

§ 5. Restriction of a trademark right

A trademark right acquired by registration does not cover any part of a trademark that could not be registered separately.

The trademark right does not prevent any person from using the following in accordance with good business practice:

- a) his name, company name or address
- b) information concerning the nature, quality, quantity, purpose, value or geographical origin of the goods or services, the time of manufacture of the goods or of the performance of the services or other properties of the goods or services
- c) the trademark, when this is necessary to indicate the useful purpose of goods or services, for example when the trademark indicates that the useful purpose of goods is as accessories or spare parts.

An exclusive right to a geographical indication of origin acquired by registration as a collective mark does not prevent others from using the indication when such use is in accordance with good business practice.

§ 6. Consumption of a trademark right

A trademark right does not prevent the use of the trademark for goods traded by the holder or with his consent within the European Economic Area (EEA) under the trademark.

Paragraph one does not apply if the holder has reasonable grounds for opposing continued sale of the goods, for example if the condition of the goods has changed or deteriorated after they were traded.

§ 7. Precedence in the event of conflict between rights

If several persons make separate claims to an exclusive right to identical or similar trademarks, cf. Section 4, the person who has the oldest legal basis for his claim has precedence unless specified otherwise by the provisions in Section 8.

§ 8. Effects of passivity

The right to a registered trademark shall exist beside an earlier right to a distinctive sign if the holder of the earlier right was aware and accepted that the later trademark was in use in Norway for five years continuously after the date of registration and the application for registration of the later trademark was filed in good faith. If the later trademark was in use only for some of the goods or services for which it was registered, the right shall exist only for these goods or services.

The right to a trademark established by use shall exist beside an earlier right to a distinctive sign if the holder of the earlier right has not taken steps to prevent the use of the later trademark within reasonable time. The holder of an earlier right to a trademark that is well known, cf. Section 4, paragraph two, is considered to have acted within reasonable time if he takes steps to prevent the use within five years after he became aware of the use.

§ 9. Coexistence

In cases such as those mentioned in Section 8 and Section 35, paragraph two, sentence two, the holder of the later right may not oppose the use of the earlier distinctive sign even if the holder of the earlier right is no longer entitled to assert his right against the use of the later trademark.

In cases such as those mentioned in Section 8, paragraph two, a court may, if it considers it reasonable, rule that one or both distinctive signs may only be used in the future in a specific manner, for instance in a specific form or with a clarifying addition such as the name of the holder or a location, or may only be used for specific goods or services or within a specific territory.

Paragraph two applies correspondingly to cases in which the same or similar trademarks are established by use for different holders in different parts of Norway.

§ 10. Misleading trademarks, etc.

If a trademark is misleading or is used by the trademark holder or by any other person with the consent of the trademark holder in a manner capable of misleading, a court may prohibit the use of the trademark or such forms of use that are considered misleading and may issue any other orders that are considered necessary.

Legal proceedings under paragraph one may be brought by the Norwegian Industrial Property Office and by anyone who has a legal interest in doing so.

§ 11. Reproduction of trademarks in textbooks, etc.

When publishing a dictionary, manual, textbook or similar non-fictional publication, the author, chief editor and publisher are obliged, at the request of the holder of a registered trademark, to ensure that the trademark is not reproduced in the publication unless it is clearly stated that it is protected by registration.

If a request made in due time and in accordance with the preceding paragraph is not complied with, the person to whom the request was addressed may be required to defray the cost of a correction published in such a manner and as widely as is deemed reasonable.

A request under paragraph one is always considered complied with if the trademark is reproduced with the symbol ® in a clear manner.

Chapter 2. National application for registration of a trademark

§ 12. Application for registration

An application for registration of a trademark shall be filed in writing with the Norwegian Industrial Property Office.

The application shall include:

- a) the name and address of the applicant
- b) a reproduction of the trademark
- c) a list of the goods or services for which application is made for registration of a trademark.

An application for registration of a collective mark shall also contain the regulations established for the use of the mark.

The application shall also meet the requirements laid down by the King in regulations. The stipulated fee shall be paid.

§ 13. Amendment of an application

Insignificant changes may be made to a trademark for which an application has been filed for registration if they do not affect the overall impression of the trademark.

The list of the goods or services for which application is made for registration of a trademark may be limited.

§ 14. General conditions of registration

A trademark to be registered shall consist of a sign that can be protected under Section 2 and that can be reproduced graphically. It shall have distinctive features as a distinctive sign for goods or services of the type to which it applies.

A trademark cannot be registered if it solely, or only with insignificant changes or additions, consists of signs or information that:

- a) concern the nature, quality, quantity, purpose, value or geographical origin of the goods or services, the time of manufacture of the goods or of the performance of the services or other properties of the goods or services, or
- b) in normal linguistic usage or according to loyal, established business practice, constitute customary designations for the goods or services.

The conditions in paragraphs one and two shall be met on both the date of application and the date of registration. When assessing a proposed trademark under paragraph one, sentence two, and

paragraph two, it is necessary to take into consideration all circumstances that prevailed on the date of application, in particular effects of use of the trademark prior to this time.

A sign that is used in an industrial or commercial establishment to indicate the geographical origin of goods or services may, without impediment by the provisions in paragraph two, be registered as a collective mark.

§ 15. Trademarks that conflict with public interests

A trademark cannot be registered if it:

- a) is contrary to law or public order or is liable to cause offence,
- b) is liable to mislead, for example in respect of the nature, quality or geographical origin of the goods or services, or
- c) contains, without authorisation, a coat of arms or another sign covered by Section 328, paragraph one, no. 4, or paragraph two of the Norwegian Penal Code, a national flag or anything that is liable to be perceived as such a sign or flag.

For wine and spirits, it is not permissible to register a trademark that consists of or contains anything that is liable to be perceived as a geographical indication of origin, unless the geographical origin of the goods is in accordance with the indication.

§ 16. Trademarks that infringe the rights of others

A trademark cannot be registered without the consent of the relevant holder of rights if:

- a) use of the trademark would infringe the right of another person in Norway to a trademark or company name or another distinctive business sign,
- b) the trademark is liable to be confused with a trademark, company name or other distinctive business sign that another person started to use as the distinctive sign for goods or services before the applicant and is still using, and the applicant was aware of this use when the application for registration was filed, in such way that the filing shall be considered to have taken place in conflict with good business practice,
- c) the trademark contains something that is liable to be perceived as another person's name, stage name or portrait, unless it obviously refers to a person who is long dead,
- d) the trademark contains something that is liable to be perceived as the distinctive title of another person's protected creative work or it infringes another person's right in Norway to a creative work or a photographic image or a design, or
- e) the trademark infringes another person's right in Norway to a designation that is protected in the regulations to Act no. 6 of 17 June 1932 on quality control of agricultural goods, etc. or Act no. 124 of 19 December 2003 on food production and food safety, etc.

§ 17. Disclaimer

If a trademark contains a component that cannot be registered separately, then, to avoid uncertainty about the scope of the trademark right, the Norwegian Industrial Property Office may make registration subject to an indication, by means of a disclaimer, to the effect that this component is not covered by the protection afforded by registration. The fact that a disclaimer has not been made is of no significance to the scope of the trademark right.

If it later proves that the component of the trademark that has been excluded from protection could be registered separately, the trademark holder may make a new application for registration of that part or of the entire trademark without the disclaimer.

§ 18. Classes of goods and services

Trademarks are registered for specific goods or services within specific classes of goods or services. The classification of goods and services is established by the King.

§ 19. Priority

A person who has filed an application for registration of a trademark in a foreign state that is a party to the Paris Convention of 20 March 1883 for the Protection of Industrial Property or the WTO Agreement of 15 April 1994 Establishing the World Trade Organization and who, within six months after this, applies for registration of the trademark in Norway may request that the new application be considered to have been filed at the same time as the first application.

A person who has used a trademark for goods for the first time in connection with displaying it at an international exhibition, as stated in the Convention of 22 November 1928 on international exhibitions and who, within six months after this, applies for registration of the trademark in Norway may request that the application be considered to have been filed on the date on which the trademark was first displayed at the exhibition.

The King may, in regulations, establish further conditions for the right to request priority. The King may also establish that priority may be requested in cases other than those specified in paragraphs one and two.

§ 20. Examination of the conditions of registration

The Norwegian Industrial Property Office shall ensure that the application meets the requirements in Sections 12 to 15, that any requirements for disclaimers have been complied with and that there are no registered trademarks or applications for registration that are impediments to the application being granted.

The Norwegian Industrial Property Office does not check specifically whether there are other impediments to registration as mentioned in Section 16. However, if the Norwegian Industrial Property Office becomes aware of such impediments, the application shall be examined in relation to them.

§ 21. The right to the trademark

A person who documents that he is entitled to a trademark in an application filed by another person may request that the Norwegian Industrial Property Office transfer the application. In such case, the person in question shall pay a new application fee.

If there is any doubt about who holds the right, the Norwegian Industrial Property Office may request that the person requesting the application be transferred to him bring legal proceedings within a time limit fixed by the Norwegian Industrial Property Office. If no such legal proceedings are brought within the time limit, the Norwegian Industrial Property Office may disregard the request. The person requesting the transfer shall be notified of this.

While a transfer case is being examined by the Norwegian Industrial Property Office, the application may not be amended, shelved, rejected or granted until the question of the transfer has been finally decided.

If legal proceedings have been brought concerning the right to the trademark, the Norwegian Industrial Property Office shall postpone examination of the case concerning registration or transfer until the proceedings have been decided with legally binding effect.

The Norwegian Industrial Property Office shall notify the applicant and the person who has requested that the application be transferred to him of the decision in the transfer case. A final decision that the application is to be transferred shall be entered in the Register of Trademarks and published.

§ 22. Registration and publication

If the application meets the conditions in Section 20, the trademark shall be registered and a registration letter sent to the applicant. The registration shall be published.

When a collective mark is registered, the regulations established for the use of the mark shall also be registered and published. If the regulations are subsequently amended materially, the Norwegian Industrial Property Office shall immediately be notified of the amended text so that it can register and publish it.

§ 23. Deficiencies in an application

If the application does not meet the conditions in Section 20, the Norwegian Industrial Property Office shall notify the applicant of this and provide information about the possible effects of the deficiencies. The applicant shall be given a reasonable time limit to comment on and, if possible, correct the deficiencies.

If the deficiencies are corrected within the time limit set by the Norwegian Industrial Property Office, the application shall be considered to have been filed on the date on which it reached the Norwegian Industrial Property Office. However, the application is not considered to have been filed until the reproduction of the trademark and the list of the goods or services for which the trademark is to be registered have reached the Norwegian Industrial Property Office.

If the applicant has not commented on or corrected the deficiencies before the time limit expires, the application shall be shelved.

The processing of a shelved application shall be resumed if the applicant comments on or corrects the deficiencies within two months after the expiry of the time limit. The stipulated fee shall be paid. The processing of an application can only be resumed once.

§ 24. Rejection

If the application has deficiencies that are not corrected under Section 23, the application shall be rejected unless the Norwegian Industrial Property Office considers that the applicant should be given a new time limit for correction.

§ 25. Access to the documents in an application case

Any person may, as from the date of application, request access to the application, including the enclosures and all the documents in the case, unless specified otherwise in paragraphs two and three.

Information on business secrets may be excluded from public access if the applicant so requests. When such a request has been filed, the information will not be available to the public before the request has been refused by a final decision. Information that is significant to whether the trademark can be registered or to the scope of the trademark right may not be excluded from public access. The regulations for use of a collective mark may not be excluded from public access. Section 12 of the Norwegian Freedom of Information Act applies correspondingly.

Documents prepared by the Norwegian Industrial Property Office for its internal case preparation may be excluded from public access.

Chapter 3. Opposition and Cancellation

§ 26. Opposition

When the registration of a trademark has been published, any person may file an opposition to the registration. An opposition shall be filed in writing and shall reach the Norwegian Industrial Property Office within three months of the date of publication.

The opposition shall include:

- a) the name and address of the person filing the opposition
- b) the registration to which the opposition applies
- c) the grounds on which the opposition is based
- d) necessary documentation of factors invoked in support of the opposition.

The opposition shall also meet the requirements laid down by the King in regulations.

When an opposition has been received by the Norwegian Industrial Property Office, it shall be entered in the Register of Trademarks and published.

§ 27. Processing of oppositions

If the opposition does not meet the conditions in Section 26, the Norwegian Industrial Property Office shall set a reasonable time limit for comments on and, if possible, correction of the deficiencies. If the deficiencies are not corrected before the expiry of the time limit, the opposition shall be rejected unless the Norwegian Industrial Property Office considers that a new time limit should be set for correction.

The trademark holder shall be notified of the opposition as soon as possible and be given the opportunity to comment.

If two or more oppositions have been filed to the same registration, the Norwegian Industrial Property Office may combine the cases as one case if no reasoned objection to this is made.

The Norwegian Industrial Property Office shall only consider factors that are referred to in the opposition. If an opposition is withdrawn, the Norwegian Industrial Property Office may continue the processing of the opposition if there are special reasons for doing so.

§ 28. The right to the trademark

If a person making an opposition requests that the registration of a trademark be transferred to him, the Norwegian Industrial Property Office shall transfer the registration if the right to the trademark is substantiated. In such case, the person in question shall pay a new application fee. Section 21, paragraphs two to five, shall apply correspondingly.

§ 29. Decisions in opposition cases

The Norwegian Industrial Property Office shall cancel the registration of a trademark in full or in part if it was registered in contravention of Sections 14 to 16 and the impediment to registration is sustained. The registration of a collective mark shall also be cancelled if the application did not include regulations on the use of the mark and the deficiency was not corrected during the processing of the application.

If no impediment to the registration is sustained, the opposition shall be rejected.

The trademark holder and the person who raised the opposition shall be notified of the decision by the Norwegian Industrial Property Office in the case. When a final decision has been made in the case, the outcome shall be entered in the Register of Trademarks and published.

§ 30. Cancellation on account of applications with better priority

If, after an application for registration of a trademark has been granted, it turns out that another application shall be considered, under Section 19, to have been filed before the above application, and the Norwegian Industrial Property Office assumes that the application filed earlier would have comprised a full or partial impediment to the registration of the above application, the Norwegian Industrial Property Office shall notify the trademark holder of this and give him the opportunity to comment within a reasonable time limit. If the application with the best priority is granted, the Norwegian Industrial Property Office shall, after the expiry of the above time limit, cancel the first registration to the extent to which the application with the best priority is an impediment to the registration remaining in place.

Paragraph one applies correspondingly if the Norwegian Industrial Property Office assumes that an earlier application that is resumed under Section 23, paragraph four, or is processed under Section 80 would have comprised an impediment to registration for a later application that has already been granted.

Paragraph one also applies correspondingly if the Norwegian Industrial Property Office is notified that an international trademark registration is to take effect in Norway under Section 70 and assumes that the international registration would have comprised an impediment to registration for an application that has been granted and that is considered to have been filed on a date later than the date from which the international registration is to take effect in Norway, cf. Section 72.

The final decision in cases under this Section shall be entered in the Register of Trademarks and published.

§ 31. Access to documents

Any person may request access to documents in cases concerning opposition and cancellation. The provisions in Section 25, paragraphs two and three, apply correspondingly.

Chapter 4. Period of Validity of Trademark Registration. Trademark Alteration

§ 32. Period of validity of registration

A trademark registration shall be valid for ten years from the date of application. Registration may subsequently be renewed for ten years at a time. Each period shall begin at the end of the previous period.

§ 33. Renewal of registration

A request for renewal shall be filed in writing with the Norwegian Industrial Property Office no earlier than one year before and no later than six months after the end of the registration period. The stipulated fee shall be paid. If the request for renewal is filed after the end of the registration period, an additional fee shall be paid.

Payment of the renewal fee with an indication of the trademark's registration number within the time limits in paragraph one shall be considered to be a request for renewal.

Renewal of a registration shall be entered in the Register of Trademarks and published.

§ 34. Alteration of a registered trademark

The trademark holder may request that the Norwegian Industrial Property Office make alterations to a registered trademark if the alterations are insignificant and do not affect the overall impression of the trademark. The stipulated fee shall be paid.

Alteration of a registered trademark shall be entered in the Register of Trademarks and published. A new registration letter shall be sent to the trademark holder.

Chapter 5. Review, Invalidity and Deletion

§ 35. Invalidity

The registration of a trademark shall be invalidated in full or in part by a court ruling or by a decision by the Norwegian Industrial Property Office (administrative review) under Sections 38 to 40 if the registration took place in contravention of Sections 14 to 16 and cannot remain in force under Section 8, paragraph one. The registration of a collective mark shall be invalidated if the application did not contain regulations on the use of the mark and the deficiency was not corrected during the processing of the application.

However, the registration shall not be invalidated on the grounds that use of the trademark would infringe the right to a registered trademark if the conditions under Section 37 for deleting the registration of this trademark for the goods or services to which it applies are met. Nor shall a registration be invalidated on the grounds that use of the trademark would infringe the right to a trademark established by use if the establishment by use exists only within a small part of Norway.

§ 36. Deletion in connection with degeneration, etc.

A registration of a trademark shall be deleted in full or in part by a court ruling or by administrative review under the provisions in Sections 38 to 40 if:

- a) the trademark has become contrary to public order or liable to cause offence,

- b) the trademark has become, as a consequence of the trademark holder's actions or passivity, the general designation in the industry for goods or services of the type for which it is registered,
- c) as a consequence of its use by the trademark holder or someone with his consent for goods or services of the type for which it is registered, the trademark has become liable to mislead, in particular in respect of the nature, quality or geographical origin of the goods or services, or
- d) notification has not been made of amendments to the regulations for the use of a collective mark as specified in Section 22, paragraph two, sentence two, or the collective mark has been used in contravention of the regulations filed without the trademark holder having taken steps to prevent such use within reasonable time.

§ 37. Deletion in connection with a lack of use of a trademark

A registration of a trademark shall be deleted in full or in part by a court ruling or by administrative review under Sections 38 to 40 if the trademark holder has not, within five years of the date on which a final decision on registration of the trademark was made, made actual use of the trademark in Norway for the goods or services for which it is registered, or if the use has been discontinued for five consecutive years. However, the registration shall not be deleted if there are reasonable grounds for the non-use or discontinuation.

Use of the trademark under paragraph one also includes use of the trademark in a form that differs from the form in which it is registered only by details that do not change its distinctive features and use of the trademark in Norway or goods or their packaging for export. Use by the trademark holder also includes use by another person with the consent of the trademark holder.

A registration shall not be deleted if use of the trademark is started or resumed after the end of the five-year period but before legal proceedings are brought or a request is made for an administrative review to have the registration deleted. However, use in the last three months before legal proceedings are brought or a request is made for an administrative review shall not be taken into consideration if preparations for use were started only after the trademark holder became aware that legal proceedings may be brought or a request for a review made.

§ 38. Partial invalidity and deletion

If a basis for invalidity or deletion under Sections 35 to 37 only applies to some of the goods or services for which the trademark is registered, the registration shall be invalidated or deleted with effect only for these goods or services.

§ 39. Case affiliation requirements, etc.

Legal proceedings or a request for an administrative review based on Sections 35 to 37 may be brought or made by any person who has a lawful interest in the case. A request for an administrative review may also be made by the trademark holder. Legal proceedings based on Section 14, 15 or 36 may also be brought by the Norwegian Industrial Property Office.

§ 40. Filing and processing a request for an administrative review

A request for an administrative review under Sections 35 to 37 may be made when the opposition time limit has expired and any opposition cases have been settled with a final decision. The request shall be filed in writing with the Norwegian Industrial Property Office and include:

- a) the name and address of the person who has filed the request

- b) the trademark registration to which the request applies
- c) the grounds on which the request is based
- d) necessary documentation of factors invoked in support of the request.

The request shall also meet the conditions laid down by the King in regulations. The stipulated fee shall be paid.

If the request does not meet the conditions in paragraph one and Section 39, the Norwegian Industrial Property Office shall set a reasonable time limit for comments on and, if possible, correction of the deficiencies. If the deficiencies are not corrected before the expiry of the time limit, the request shall be rejected unless the Norwegian Industrial Property Office considers that a new time limit for correction should be set. The Norwegian Industrial Property Office may also reject the request if the case cannot be decided by the Norwegian Industrial Property Office, especially because the actual conditions are disputed or unclear.

If the request has been made by persons other than the holder of the registration, the Norwegian Industrial Property Office shall notify the holder of the request as soon as possible, with a reasonable time limit for comments. The person requesting an administrative review shall notify all licensees registered in the Register of Trademarks with an address of this by registered post. If it is not documented that such notification has been given, the Norwegian Industrial Property Office may set a time limit for giving notification. If the time limit is not met, the request shall be rejected.

If two or more requests have been filed for reviews of the same trademark registration, the Norwegian Industrial Property Office may combine the cases if no reasoned objection to this is made. The Norwegian Industrial Property Office can only consider factors that are referred to in the request.

§ 41. The relationship between cases for the Norwegian Industrial Property Office and the courts

A request for an administrative review may not be made until legal proceedings concerning invalidity or deletion have been decided with legally binding effect. If legal proceedings concerning invalidity or deletion are brought before a final decision has been made in a case concerning an administrative review, the Norwegian Industrial Property Office shall stop processing the case until the legal proceedings have been decided with legally binding effect if the request for an administrative review was made by persons other than the trademark holder.

A person who has made a request for an administrative review may not bring legal proceedings concerning invalidity or deletion while the case is being processed by the Norwegian Industrial Property Office.

A request for an administrative review may not be made by a party who has previously brought legal proceedings concerning invalidity or deletion if the rules on legal force prevent legal proceedings being brought again concerning the same situation.

§ 42. Invalidity and deletion in certain special cases

If the trademark holder and the person challenging the registration of the trademark agree, the matter of the validity or deletion of the registration may be decided with final effect by the Norwegian Industrial Property Office's second department. The stipulated fee shall be paid.

§ 43. Deletion in connection with an unknown address, etc.

If there are reasonable grounds to doubt that a trademark holder exists, any person may make a written request to the Norwegian Industrial Property Office for the registration to be deleted. The same applies if the trademark holder's address is unknown. The stipulated fee shall be paid.

Before a registration may be deleted under paragraph one, the Norwegian Industrial Property Office shall request the trademark holder to report within a reasonable time limit. This request shall be made by registered post or in some other satisfactory manner. If the trademark holder's address is unknown, the request is made by publication in Norsk Varemerketidende.

If the trademark holder has not reported within the time limit, the Norwegian Industrial Property Office shall decide whether to delete the registration of the trademark.

§ 44. Effect of decisions concerning invalidity or deletion

A legally binding ruling or a final decision by the Norwegian Industrial Property Office to invalidate a registration in full or in part takes effect from the date on which the application for registration was filed.

A legally binding ruling or a final decision by the Norwegian Industrial Property Office to delete a registration takes effect from the time at which legal proceedings were brought or a request for deletion was filed with the Norwegian Industrial Property Office. However, following a request from a party to the case, it may be established in a court ruling or a decision based on Section 36 that the decision will take effect from an earlier time at which a basis for deletion existed.

§ 45. Cancellation on its own initiative

If a registration of a trademark, a renewal or an alteration of a registration has taken place by obvious mistake, the Norwegian Industrial Property Office may cancel the registration in full or in part on its own initiative.

The trademark holder shall be notified, with a reasonable time limit for comments before cancellation takes place.

§ 46. Deletion in connection with expiry of the registration period, etc.

The registration of a trademark shall be deleted after the expiry of the registration period if the registration is not renewed or if the trademark holder requests in writing that the registration be deleted.

If legal proceedings have been brought concerning the right to the trademark, the registration may not be deleted following a request from the trademark holder until the legal proceedings have been decided with legally binding effect.

§ 47. Entry in the Register of Trademarks and publication

If a request has been made for administrative review of a trademark registration or legal proceedings have been brought concerning the invalidity or deletion of such a registration, this shall be entered in the Register of Trademarks and published. When a final decision has been made in the case, the outcome shall be entered in the Register of Trademarks and published.

A final decision concerning the cancellation of a registration under Section 45 shall be entered in the Register of Trademarks and published. The same applies to a final decision concerning invalidity or deletion under Section 42 and deletion under Sections 43 and 46.

§ 48. Access to documents

Any person may request access to documents in cases for the Norwegian Industrial Property Office under this Chapter. The provisions in Section 25, paragraphs two and three, apply correspondingly.

Chapter 6. Appeal and Legal Proceedings

§ 49. Appeals against decisions of the Norwegian Industrial Property Office's first department

A decision of the Norwegian Industrial Property Office's first department on an application for trademark registration or a request for an international trademark registration to have effect in Norway may be appealed by the applicant to the Norwegian Industrial Property Office's second department if the decision went against the applicant. The same applies to a decision of the Norwegian Industrial Property Office's first department to reject an application for international trademark registration under Section 68, paragraph three.

The decision in an opposition case may be appealed to the Norwegian Industrial Property Office's second department by the party against whom the decision was made. If a request for a transfer of an application under Section 21 or a registration under Section 28 is granted, the decision may be appealed to the Norwegian Industrial Property Office's second department by the applicant or the trademark holder.

The decision in a case concerning an administrative review under Sections 35 to 37, cf. Section 40, may be appealed to the Norwegian Industrial Property Office's second department by the party against whom the decision was made. This does not apply to a decision to reject a request under Section 40, paragraph two, sentence three.

The trademark holder may appeal to the second department against a decision to cancel a registration under Section 30 or 45 or to delete a registration under Section 43.

A decision to reject a request to:

1. resume processing under Section 23, paragraph four
2. exclude information from public access under Section 25, paragraph two, Sections 31, 48, 51, paragraph five, and 76
3. access documents in cases under this Act
4. renew a trademark registration under Section 33
5. alter a trademark under Section 34
6. have a case processed under Section 80

may be appealed to the Norwegian Industrial Property Office's second department by the person who made the request.

Other decisions of the Norwegian Industrial Property Office's first department may not be appealed.

§ 50. Filing appeals

An appeal shall be filed in writing with the Norwegian Industrial Property Office within two months after the date on which notification of the decision was sent to the party in question. The appeal shall include:

- a) the name and address of the appellant
- b) the decision being appealed
- c) the amendment to the decision requested
- d) the grounds on which the appeal is based.

The appeal shall also meet the conditions laid down by the King in regulations. The stipulated appeal fee shall be paid.

§ 51. Processing appeals

Other parties in the case shall be notified of the appeal as soon as possible, with a reasonable time limit for comments.

Provided that the conditions for processing the appeal are met, the Norwegian Industrial Property Office's first department may cancel or amend the decision if it considers it obvious that the appeal will succeed. If no such decision is made, the case shall be referred to the Norwegian Industrial Property Office's second department. If the Norwegian Industrial Property Office's first department makes a comment to the second department, a copy shall be sent to the parties.

If the conditions for processing the appeal are not met, the appellant shall be given a reasonable time limit for comments on and, if possible, correction of the deficiencies. If the deficiencies are not corrected before the expiry of the time limit, the appeal shall be rejected unless the Norwegian Industrial Property Office's second department considers that a new time limit for correction should be set.

If the appeal is processed, the Norwegian Industrial Property Office's second department shall make the investigations occasioned by the appeal. It may consider factors that are not referred to in the appeal. If the appeal is withdrawn, the Norwegian Industrial Property Office may continue processing the case if there are special reasons for doing so.

Any person may request access to documents in appeal cases. The provisions in Section 25, paragraphs two and three, apply correspondingly.

§ 52. Review by the courts of decisions in the Norwegian Industrial Property Office's second department

A decision from the Norwegian Industrial Property Office may only be brought before the courts if the right of appeal under Section 49 has been exercised and the Norwegian Industrial Property Office's second department has made a decision on the appeal. Paragraph one does not concern the right to bring legal proceedings concerning invalidity or deletion under Sections 35 to 37 or concerning the right to the trademark.

The decision in the Norwegian Industrial Property Office's second department in an appeal case may be brought before the courts by the party against whom the decision was made, unless paragraph three specifies otherwise. Legal proceedings shall be brought within two months after the date on which notification of the decision was sent to the party in question. Information on the time limit for bringing legal proceedings shall be included in the notification of the decision.

The decision of the Norwegian Industrial Property Office's second department in a case concerning the transfer of an application or registration may not be brought before the courts. The same applies to a decision by which the Norwegian Industrial Property Office's second department rejects or dismisses an opposition, rejects or refuses a request for an administrative review under Section 40 or upholds a decision in the first department on such a rejection, dismissal or refusal.

Chapter 7. Assignment and Licence, etc.

§ 53. Assignment

A trademark right may be assigned with or without any connection to the establishment to which the trademark is linked.

If an establishment changes ownership, the right to trademarks linked to the establishment passes to the acquirer, unless agreed otherwise.

§ 54. Licence

A trademark holder may grant another person the right to use the trademark in an industrial or commercial establishment (licence). The licensee may not reassign the right, unless agreed otherwise.

The trademark holder may invoke the provisions in Chapter 8 in relation to a licensee who fails to comply with the licence agreement's provisions on the term of the licence, the form in which the trademark may be used, the goods or services for which it may be used, the geographical territory in which the trademark may be used or the quality of the goods or services for which the trademark may be used.

§ 55. Attachment, etc.

A trademark right may not be subject to attachment or any other separate enforcement proceedings on the part of creditors.

§ 56. Entry of assignments and licences in the Register of Trademarks, etc.

Legal proceedings concerning a registered trademark may always be brought against the person registered as the trademark holder in the Register of Trademarks, and notifications that the Norwegian Industrial Property Office shall give the trademark holder may always be sent to this person.

If the right to a registered trademark has been assigned to another person, this shall be entered in the Register of Trademarks and published if one of the parties so requests. Section 78 applies correspondingly.

A licence for a trademark that has been registered or for which an application for registration has been filed shall be entered in the Register of Trademarks and published if one of the parties so requests. The same applies if a registered licence has been assigned or has lapsed.

Chapter 8. Sanctions against Trademark Infringement

§ 57. Injunctions against continued trademark infringement

A court may issue an injunction against a person who infringes another person's trademark right, prohibiting him from repeating the action.

§ 58. Compensation and damages for trademark infringement

Any person who intentionally or negligently infringes the trademark right of another person shall pay compensation equivalent to a reasonable licence fee for the use of the trademark, plus damages for any further damage caused by the infringement.

The compensation may be reduced and the damages adjusted if there is little for which the person making the infringement can be blamed.

If the infringement took place in good faith, the court may, to the extent found reasonable, order the person making the infringement to pay compensation and damages under paragraphs one and two.

The trademark holder may also claim damages for any damage caused to others who have a right to use the trademark.

In the event of infringement of a registered trademark, compensation and damages may only be awarded when the infringement took place after publication of the registration or after the person making the infringement became aware in some other way that an application to register the trademark had been filed. For infringement of such trademarks, the period of limitation for claims for compensation and damages under this section begins from the time of registration.

§ 59. Action to prevent new trademark infringements

To prevent new trademark infringements, the court may, following a claim by the injured party, rule that trademarks shall be altered or removed from goods. If this cannot be done in any other way, the court may rule that goods shall be altered in a specific manner, destroyed or assigned to the injured party by way of deduction from any claim under Section 58.

The court may also decide on other action to prevent new trademark infringements, including that the person infringing the trademark shall take steps to delete or assign to the injured party any domain names used in contravention of the trademark right.

§ 60. Basis for acquittal in civil cases

In civil cases concerning infringement of a registered trademark, it can only be assumed that the registration is invalid or can be deleted under the provisions in Sections 35 to 37 if a legally binding ruling for invalidity or deletion has first been delivered or if the Norwegian Industrial Property Office has made a final decision on this.

§ 61. Punishment for trademark infringement

Any person who intentionally infringes the trademark right of another person or contributes to such infringement is subject to punishment by fines or imprisonment of up to three months. If considerable and obviously unlawful gain was the intention of the infringement, the punishment is fines or imprisonment of up to one year.

In the event of infringement of a registered trademark, a sentence may only be passed if the infringement took place after the registration was published.

A public prosecution shall only take place if the injured party so requests, unless it is required in the public interest. In the event of infringement of the right to a collective mark, only the trademark holder is considered to be the injured party.

Chapter 9. Provisions in respect of Legal Proceedings

§ 62. Mandatory venue

The following legal proceedings shall be brought before Oslo City Court (Oslo tingrett):

- a) legal proceedings concerning review of decisions made by the Norwegian Industrial Property Office's second department, as mentioned in Section 52
- b) legal proceedings concerning invalidity or deletion of a trademark registration under Sections 35 to 37.

Oslo City Court is the venue for applicants and trademark holders who are not domiciled in Norway.

§ 63. Right to bring legal proceedings

If a licence has been granted to use a trademark, both the trademark holder and the licensee may bring legal proceedings concerning trademark infringement within the licensee's territory, unless agreed otherwise.

In the event of infringement of the right to a collective mark, only the trademark holder may bring legal proceedings.

§ 64. Notification of legal proceedings

A person who brings legal proceedings concerning invalidity or deletion of a trademark registration under Sections 35 to 37 shall also give notification of this to the Norwegian Industrial Property Office and by registered post to each licensee entered in the Register of Trademarks with an address. A licensee who brings legal proceedings concerning trademark infringement shall similarly give notification of this to the trademark holder.

If the plaintiff does not document that the necessary notifications have been given, the court may set a time limit for giving notification. If the time limit is not met, the case shall be dismissed.

§ 65. Transmission of rulings

The court shall send the Norwegian Industrial Property Office a transcript of rulings in civil cases concerning trademark registrations or applications.

Chapter 10. International Registration of Trademarks

§ 66. Definitions

An international trademark registration is a registration of a trademark by the International Bureau of the World Intellectual Property Organization (WIPO) under the Protocol Relating to the

Madrid Agreement Concerning the International Registration of Marks of April 14, 1891, adopted at Madrid on June 27, 1989 (the Madrid Protocol).

The Norwegian Industrial Property Office is the trademark authority in Norway in cases concerning the international registration of trademarks.

§ 67. Application for international registration of trademarks

A person who is a Norwegian citizen or domiciled or operating an industrial or commercial establishment in Norway and has a trademark registration or has filed an application for such a registration in Norway may apply for international registration of the trademark by filing an application with the Norwegian Industrial Property Office.

The application shall be in writing in English and include:

- a) the name and address of the applicant
- b) the number(s) and date(s) of the Norwegian trademark registration(s) or application(s) on which the international registration is to be based
- c) a reproduction of the trademark
- d) a list of the goods or services for which application is made for registration of the trademark
- e) a list of the countries or international organisations for which the registration should take effect.

The application shall also meet the requirements laid down by the King in regulations. The stipulated fee shall be paid.

§ 68. The Norwegian Industrial Property Office's processing of the application

The Norwegian Industrial Property Office shall ensure that the conditions in Section 67 are met and that the information in the application is in accordance with the information stated in the Norwegian trademark registration(s) or application(s) on which the international application is based.

If the application meets the requirements specified in paragraph one, the Norwegian Industrial Property Office shall send the application to the International Bureau.

If the application does not meet the requirements specified in paragraph one, the Norwegian Industrial Property Office shall notify the applicant of this and provide information about the possible effects of the deficiencies. The applicant shall be given a reasonable time limit to comment on and, if possible, correct the deficiencies. If the applicant has not commented on or corrected the deficiencies before the time limit expires, the application shall be rejected.

§ 69. Request for registration to take effect in other countries, etc.

A person who is a Norwegian citizen or domiciled or operating an industrial or commercial establishment in Norway and has an international registration based on a Norwegian registration or application and wants the international registration to take effect in other countries or in international organisations may file an application for this to the International Bureau or the Norwegian Industrial Property Office.

The application filed with the Norwegian Industrial Property Office shall be in writing in English and include:

- a) the name and address of the applicant
- b) the number of the international registration
- c) the country or countries or international organisations for which the registration should take effect
- d) whether the application applies to all of the goods or services the international registration covers or only specified goods or services.

§ 70. Request for an international trademark registration to take effect in Norway

When the Norwegian Industrial Property Office receives notification from the International Bureau with a request from the holder for an international trademark registration to take effect in Norway, the Norwegian Industrial Property Office shall investigate whether the registration conditions in Sections 14 to 16 have been met.

If the registration conditions have been met, the Norwegian Industrial Property Office shall enter the international trademark registration in the Register of Trademarks and publish the fact that it has taken effect in Norway.

If the registration conditions have not been met, the Norwegian Industrial Property Office shall refuse, in full or in part, to grant the international registration effect in Norway. Notification of such refusal shall be given to the International Bureau within 18 months after the Norwegian Industrial Property Office received notification as stated in paragraph one.

In the event of refusal, the holder of the international registration may, on the conditions established in regulations, request that the Norwegian Industrial Property Office's first department reassess whether the international registration is to take effect in Norway.

Section 23 applies correspondingly to the Norwegian Industrial Property Office's processing of a request for an international trademark registration to take effect in Norway. If the holder of the international registration has invoked priority, Section 19 applies.

§ 71. Opposition

Any person may, within three months after the publication date, file an opposition to an international trademark registration taking effect in Norway. Section 26 applies correspondingly to the filing and publication of oppositions. Sections 27 and 28 apply correspondingly to the processing of oppositions.

If a condition for registration under Sections 14 to 16 has not been met, the Norwegian Industrial Property Office shall rule that the international registration will not take effect, in full or in part, in Norway if the time limit under Section 70, paragraph three, sentence two, has not expired, or the Norwegian Industrial Property Office has, before the expiry of the time limit stated, given the International Bureau notification that an opposition may be filed after the expiry of the time limit and notification of the opposition has been sent within one month after the expiry of the time limit for opposition.

If the conditions for registration have been met, the Norwegian Industrial Property Office shall dismiss the opposition.

The holder of the international registration and the person making the opposition shall be notified of the Norwegian Industrial Property Office's decision in opposition cases. When a final decision has been made in the case, the outcome shall be entered in the Register of Trademarks and published.

§ 72. Effects of an international trademark registration

An entry in the Register of Trademarks that an international trademark registration has effect in Norway shall have the same effect as if the trademark were registered in Norway. The entry shall take effect from the date on which the registration with the International Bureau is considered to have taken place or from the date of a subsequent designation of Norway.

The registration shall apply for ten years from the date on which the registration with the International Bureau is considered to have taken place. It may be renewed for ten years at a time under the rules of the Madrid Protocol. When the Norwegian Industrial Property Office receives notification from the International Bureau of renewal of an international registration, this shall be entered in the Register of Trademarks and published.

An entry in the Register of Trademarks that an international registration has effect in Norway may be cancelled under Sections 30 and 45 and declared invalid or deleted under the provisions in Chapter 5. Cancellation under Sections 30 and 45 shall take place within the time limit in Section 70, paragraph three, sentence two.

The International Bureau shall be notified of the assignment and licensing of the right to international trademark registrations. Legal proceedings concerning the trademark may always be brought against the person registered as the holder in the international register.

§ 73. Relationship between a national and an international trademark registration

If a person holds both an international registration with effect in Norway and a Norwegian registration of the same trademark, the international registration shall replace the Norwegian registration if the international registration has effect in Norway from a later date than the Norwegian registration, and all goods or services covered by the Norwegian registration are included in the list of goods or services covered by the international registration as it applies to Norway. This entails no restrictions to rights already acquired on the basis of the Norwegian registration.

Following a request from the trademark holder, the Norwegian Industrial Property Office shall enter in the Register of Trademarks and publish the fact that the international registration has replaced the Norwegian registration.

§ 74. The effect when an international trademark registration ceases

If an international registration ceases to apply in full or in part, its effect in Norway ceases at the same time to the corresponding extent. This shall be entered in the Register of Trademarks and published.

§ 75. Conversion to a national trademark registration

If an international registration that has effect in Norway ceases to apply in full or in part as a result of the lapse of the national registration or application on which it is based, and the holder subsequently files a request with the Norwegian Industrial Property Office to register the trademark in Norway, such registration shall take effect from the date on which the international registration took effect in Norway if the request is filed within three months after the date on which the international registration ceased, and the goods or services specified in the request were covered by the international registration as it applied in Norway.

If an international registration that has effect in Norway ceases to apply in full or in part as a result of termination of the Madrid Protocol and the holder subsequently files a request with the Norwegian Industrial Property Office to register the trademark in Norway, such registration shall take effect from the date on which the international registration took effect in Norway if the request is filed within two years after the date on which the termination took effect, and the goods or services specified in the request were covered by the international registration as it applied in Norway.

§ 76. Access to documents

Any person may request access to documents at the Norwegian Industrial Property Office in cases under this Chapter. Section 25, paragraphs two and three, apply correspondingly.

Chapter 11. Miscellaneous Provisions

§ 77. Address for correspondence

Notifications from the Norwegian Industrial Property Office to an applicant, a registration holder, a person making an opposition or a person who has requested an administrative review under Section 40 are always considered to have been given when they have been sent to the address that the person in question specified most recently to the Norwegian Industrial Property Office. The address is entered in the Register of Trademarks. For applicants and registration holders who have a representative, notifications may be sent to the representative.

If the registered address proves to be incorrect, the notification or a summary of it shall be included in Norsk Varemerketidende, with information that the document is available from the Norwegian Industrial Property Office.

If service or any other procedural notification cannot be given at the registered address or the representative, paragraph two applies correspondingly to a court. In such case, the document shall be considered to have been served or notification to have been given four weeks after publication in Norsk Varemerketidende.

If an applicant or registration holder has otherwise appointed a representative to represent him in matters concerning the application or registration, the name and address of the representative shall be entered in the Register of Trademarks. The same applies if a person making an opposition or a person who has requested an administrative review has appointed a representative to represent him in matters concerning the opposition or the review request.

§ 78. Proof of registration in the country of origin

A person who applies to register a trademark without operating an industrial or commercial establishment in Norway and who is not domiciled in a state that is a party to the Paris Convention of 20 March 1883 for the Protection of Industrial Property or the WTO Agreement of 15 April 1994 Establishing the World Trade Organization shall prove that the trademark is registered for the person in question in the country of origin of the goods or services to which the application applies.

Paragraph one does not apply if the applicant's country of origin does not require corresponding proof for trademarks for which registration is applied for there by the owners of industrial or commercial establishments in Norway.

§ 79. Right of registration as in the country of origin

The King may establish in regulations that a trademark that is registered in a foreign state may be registered in Norway on specific conditions in the same way as it is registered in the foreign state.

If a trademark is registered under paragraph one that could not otherwise have obtained protection by registration in Norway, the registration protection does not apply to any greater extent or for any longer period than in the foreign state.

§ 80. Effect of non-compliance with time limits

A person who, in relation to the Norwegian Industrial Property Office, has failed to comply with a time limit set in or in pursuance of the provisions in Chapter 2, 4 or 6 or Section 68, paragraph three, and has consequently suffered a loss of rights shall, if he so requests, nevertheless have a case processed if it is substantiated that the person himself and any representative have shown the due diligence that can reasonably be expected. The request shall be filed in writing with the Norwegian Industrial Property Office within two months after the impediment that led to the non-compliance with the time limit ceased and no later than four months after the expiry of the time limit. The action omitted shall be carried out within the same time limit. The stipulated fee shall be paid.

Paragraph one does not apply to time limits under Section 19 on priority, the time limit for appealing decisions as specified in Section 49, paragraphs two and three, or the time limit for legal proceedings under Section 52, paragraph two, sentence two.

§ 81. About the Register of Trademarks, etc.

The Norwegian Industrial Property Office shall keep the Register of Trademarks and publish a gazette in which registrations, etc. are published.

Any person shall be entitled to view the Register of Trademarks and receive a certified printout of it. The stipulated fee shall be paid for printouts.

The stipulated fee shall be paid for copies of documents that are public under this Act. The fee rates for printouts and copies under this paragraph shall be set so that the total income is not higher than the actual costs of communicating the information, plus a reasonable level of profit.

§ 82. Regulations to the Act (fees, etc.)

The King may, in regulations, issue further provisions to supplement and implement this Act. The King may, among other things, issue provisions on:

- a) filing and processing applications and oppositions, including the right to use a language other than Norwegian in correspondence with the Norwegian Industrial Property Office
- b) international applications and registrations
- c) dividing and merging applications and registrations and fees for this
- d) the length of time limits under the Act
- e) keeping the Register of Trademarks and access to it
- f) publications under the Act
- g) the gazette published by the Norwegian Industrial Property Office
- h) fee rates and payment of fees.

Chapter 12. Final Provisions

§ 83. Implementation and transitional provisions

The Act enters into force from the time determined by the King.¹ From the time at which the Act enters into force, Act no. 4 of 3 March 1961 on trademarks and Act no. 5 of 3 March 1961 on collective marks are repealed.

Section 32, sentence one, applies only to applications filed after this Act has entered into force.

Applications to register trademarks and collective marks that are filed before the Act enters into force shall be considered to meet the requirements for the content of the application if the provisions on this in Act no. 4 of 3 March 1961 on trademarks and Act no. 5 of 3 March 1961 on collective marks and their regulations are met.

A registration of a trademark or collective mark that is made before the Act enters into force may only be cancelled following an opposition or invalidated to the extent to which this would be justified under Act no. 4 of 3 March 1961 on trademarks and Act no. 5 of 3 March 1961 on collective marks. However, the rules on deletion in Sections 36, 37, 42 and 43 also apply to registrations made before the Act enters into force. Otherwise, the Act also applies to registrations made before the Act enters into force.

¹ From July 2010 according to decree no. 936 of 25 June 2010.

§ 84. Amendments to other Acts
