

**WORLD TRADE ORGANIZATION**

**ORGANISATION MONDIALE DU COMMERCE**

**ORGANIZACIÓN MUNDIAL DEL COMERCIO**

**IP/N/1/NOR/G/1**

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

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

Norway

The present document reproduces Chapter 1 of the Act Relating to Control of Marketing and Contract Terms and Conditions<sup>1</sup>, as notified by Norway under Article 63.2 of the Agreement (see document IP/N/1/NOR/1).

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

**PRINCIPALES LOIS ET REGLEMENTATIONS CONSACREES A LA  
PROPRIETE INTELLECTUELLE NOTIFIEES AU TITRE  
DE L'ARTICLE 63:2 DE L'ACCORD**

Norvège

Le présent document contient le texte du chapitre premier de la Loi sur le contrôle de la commercialisation et des modalités et conditions contractuelles<sup>1</sup>, notifiée par la Norvège au titre de l'article 63:2 de l'Accord (voir le document IP/N/1/NOR/1).

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

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

Noruega

En el presente documento se reproduce el capítulo 1 de la Ley de Control de la Comercialización y de los Términos y Condiciones de los Contratos<sup>1</sup>, notificada por Noruega en virtud de lo dispuesto en el párrafo 2 del artículo 63 del Acuerdo (véase el documento IP/N/1/NOR/1).

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<sup>1</sup>English only/anglais seulement/inglés solamente.

# Act

no. 47 of 16 June 1972 relating to Control of Marketing and Contract Terms and Conditions

most recently amended

by Act. no. 90 of 18 December 1981

(Short title: The Marketing Control Act)

## Chapter 1. Control of Marketing.

### § 1. General provision.

In the conduct of business no act may be performed which runs counter to good business practice in the relationship between entrepreneurs or which is unreasonable in relation to consumers.

The advertiser and anyone who creates advertising shall ensure that the advertisement does not conflict with the inherent equality between the sexes and that it does not imply any derogatory judgment of either sex or portray a man or a woman in an offensive manner.

### § 2. Misleading business methods.

It is prohibited in the conduct of business to apply an incorrect or otherwise misleading representation which is likely to influence the demand for or supply of goods, services or other performances.

The same applies to any other procedure which may have such influence on the demand or supply, if as a result of its form or other circumstances it is likely to mislead consumers.

Use of the term guarantee or similar expression in the sale of goods and services is regarded as misleading in all cases where such use does not give rights in addition to, or if it limits the rights which the recipient would have had without the guarantee etc.

Publication or any other announcement of seasonal sale, clearance sale or other forms of sale in the retail trade at reduced prices may only be employed where the prices for the goods offered have in actual fact been reduced.

### § 3. Insufficient guidance etc.

It is prohibited in the conduct of business to make use of any representation which is likely to influence the demand for or supply of goods, services or other performances, when the representation does not provide adequate or sufficient guidance or introduces irrelevant matter and therefore should be deemed unreasonable.

The same shall apply to any other procedure which may have such influence on the demand or supply, if it exploits the lack of experience or knowledge of consumers and therefore should be deemed unreasonable.

#### § 4. Premiums.

It is prohibited in the conduct of business to seek to promote the sale of one or more goods, services or other performances (the main performance) by offering a premium or letting a premium be offered to the consumer.

A premium shall be understood as any additional performance (article of merchandise, service etc.) which, without there being a natural connection between the performances, is connected with the sale of the main performance. Payment of money shall, however, be considered a premium only where a natural connection with payment for the main performance is lacking, or where stamps, coupons or similar documents are employed which have as their primary function to serve as evidence for the right to the money payment. It shall be considered a premium also where a particularly low price is charged for the additional performance.

The provisions of § 5, final paragraph, shall apply correspondingly.

#### § 5. Lotteries.

It is prohibited in the conduct of business to seek to promote the sale or purchase of one or more goods, services or other performances by initiating lotteries or other arrangements where it is decided, wholly or in part, by chance who shall receive benefit (prize, reward, premium or other).

This provision shall not apply to offers of rewards or prizes which publishers of periodicals present in their magazine or paper for solutions of puzzles, participation in competitions or similar achievements by the readers. The value of the prizes and the size of the reward may not exceed limits stipulated by the Ministry\*.

#### § 6. Gifts etc. to employees.

It is prohibited in the conduct of business to offer or present any gift or similar benefit to someone employed by or acting for another, when this is done without the knowledge of the latter, and the gift or benefit is intended to and likely to mislead the recipient in the performance of his duties or in his position of trust or service into giving the donor or another an unjustified advantage.

This prohibition shall apply correspondingly to any gift or similar benefit which is given after the disloyal act has been committed, if the gift or benefit must be regarded as an unreasonable reward.

#### § 7. Business secrets.

A person who has gained knowledge of or possession of a business secret in connection with employment, a trusted position or a business relationship, may not use the secret unlawfully in the conduct of business.

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\* Ministry of Consumer Affairs and Government Administration.

The same shall apply to anyone who has received knowledge of or possession of a business secret through another person's breach of his pledge of secrecy or through some other person's unlawful act otherwise.

§ 8. Technical aids.

A person who has been entrusted with technical drawings, descriptions, formulas, models or similar technical aids in connection with employment, a trusted position or a business relationship, may not use these unlawfully in the conduct of business.

The same shall apply to a person who has obtained possession of technical drawings, descriptions, formulas, models or similar technical aids through the unlawful act of another person.

§ 9. Copy of another's product.

It is prohibited in the conduct of business to make use of copied marks of identification, products, catalogues, advertising material or other production in such a manner and under such circumstances as to make it an unreasonable exploitation of efforts or results of another person and to create a risk of mistakes as to identity.