

Collective Marks Act

(Act No 5 of March 3, 1961, as amended by Act No 113 of November 27, 1992)

Section 1. Like an individual party engaged in trade or industry according to the Trade Marks Act, an association of members so engaged may by registration or established use acquire for its members an exclusive right to use a trade mark or another distinctive sign for its goods and services.

A public authority, foundation, society or other union which establishes standards for, or effects verification of, goods or services may similarly acquire an exclusive right to a trade mark or another distinctive sign for use for the goods or services to which the said standards or verifications apply.

Signs covered by this Act shall be called collective marks.

Section 2. Unless otherwise evident from the provisions of this Act, the provisions of the Trade Marks Act shall apply *mutatis mutandis* to collective marks.

Section 3. An application for registration of a collective mark shall be filed with the Patent Office (*Patentstyret*) and shall, in addition to the information laid down in section 17 of the Trade Marks Act, specify the regulations stipulated for the use of the mark. If the application results in a registration the said regulations shall be recorded in the Register.

If subsequently amended, the amended text of the said regulations shall be submitted promptly to the Patent Office for recording.

Section 4. Upon request, an assignment of a collective mark shall be recorded in the Register, unless the Patent Office finds the use of the mark by the new proprietor apt to deceive the public.

Section 5. The registration of a collective mark may, in addition to in cases referred to in sections 25 and 25 a of the Trade Marks Act, be declared invalid by a court of law if the valid regulations regarding the use of the mark are not submitted to the Patent Office as laid down in section 3, or the mark is used contrary to the regulations submitted in accordance with that section, or used in any other manner apt to deceive the public, provided that the proprietor has not, within a reasonable time, taken the steps necessary to prevent such use.

Legal proceedings may be brought by an authority appointed by the King, or by anyone having a legal interest therein.

Section 6. Only the proprietor of the collective mark is entitled to bring legal proceedings in cases of infringement. The proprietor may claim compensation also for damage suffered by others who are entitled to use the mark.

Section 7. Registrations of collective marks are entered in the Collective Marks Register which forms a separate section of the Trade Marks Register.

Section 8. The King may lay down further regulations regarding the procedure for filing and handling of applications for registration of collective marks, regarding the amounts of fees, and regarding the implementation of this Act in other respects.

Section 9. This Act shall enter into force on the date decided by the King.

From the same date the Collective Marks Act of July 9, 1923 with later amendments shall be repealed.

A collective mark registered before the entry into force of this Act may only be invalidated if it does not satisfy the provisions of the previous Act, or if the mark, after registration, has obviously lost its distinctive character, or it has become deceptive or apt to cause offence.