
Act No. 82 of December 22, 1995, on Amendments to the Legislation on Industrial Property

as from January 1, 1996, unofficial translation.

The amended parts italicized.

Patents Act:

Section 6. A patent application for an invention which has been disclosed not earlier than 12 months before the date of filing in an application for a patent in this country or for a patent, an inventor's certificate or utility model protection in a foreign country party to the Paris Convention for the Protection of Industrial Property of March 20, 1883, shall, for the purposes of Section 2, first, second and fourth paragraphs, and Section 4, be considered as filed at the same time as the previous application, if the applicant so claims. *By Royal Decree it may be prescribed that an application which does not relate to a country party to the Paris Convention may form the basis for priority as mentioned in the first sentence.*

The King shall prescribe the particulars concerning the right to claim priority, as referred to above.

Patent Regulations:

Section 10. In order to enjoy priority in accordance with Section 6 of the Patents Act, the applicant must, within three months from the filing of the application in this country or from the date on which the application shall be deemed to have been filed, make a written request to that effect containing information as to where the application was first filed, the filing date of the application and, as soon as possible, its number. For international patent applications, a request for priority shall be made at the time of the filing of the application with the Receiving Office. The request shall contain information on where and when the cited application was filed and, if that application is also an international application, at least one of the countries designated. In such cases, information on the number of the cited application shall be submitted to the receiving Office or the International Bureau within 16 months from the date from which priority was claimed.

If an application is divided in accordance with Section 22, a request for priority for the patent application shall also apply, without a separate request, to new applications resulting from the division.

In addition to on the basis of applications filed in a state party to the Paris Convention for the Protection of Industrial Property, priority as mentioned in Section 6 of the Patents Act shall be granted on the basis of applications filed in states which have adhered to the Agreement establishing the World Trade Organization. The Patent Office may also grant such priority on the basis of other patent applications, provided that a corresponding priority right is enjoyed for applications based on patent applications filed in Norway, and provided that the legislation where the earlier application was filed is, in essence, in conformity with the Paris Convention.

Trademarks Act:

Section 18. Where the application for registration of a trade mark concerns a trade mark used for the first time by the applicant to cover goods exhibited at an international exhibition in this country and the application is filed within six month from the opening of the exhibition, the application, in relation to other

signs for which an application for registration has been filed or which has been taken into use, shall be considered to have been filed on the day that the goods were first shown at the exhibition.

By Regulation, the King shall prescribe to what extent the first paragraph shall apply correspondingly to international exhibitions held abroad.

Section 30. *By Regulation, the King may prescribe that a person who has filed an application for registration of a trade mark in a foreign State, within a certain time limit may file an application for registration of the mark in this country with the effect that, in relation to other trade mark applications or use of signs, the application shall be considered to have been filed at the same time as the application is filed in the foreign State.*

The King shall lay down regulations concerning the time limit for claiming priority in accordance with the first paragraph.

Trademarks Regulations:

Section 5. Anyone who claims priority in accordance with Section 30 of the Trade Marks Act, shall prior to the laying open of the application to public inspection in accordance with Section 20 of the Trade Marks Act, inform the Patent Office of this in writing, stating the foreign State in which application for registration of the mark was first filed and the time of filing the application. the Patent Office may require that within a certain time limit, which shall not expire until three months from the date of filing the application, the applicant submits proof of the priority. Where this requirement is made and the applicant fails to submit such proof within the stipulated time limit, the application for registration shall be decided without regard to the claim for priority. A copy of the application for registration in the foreign State concerned shall be considered as proof of priority, provided the copy has been certified by the registration authority of the foreign State, confirming that the copy is in accordance with the application first filed and stating the time of filing the application.

Priority according to the first paragraph of Section 30 of the Trade Marks Act may be claimed in accordance with Article 4 of the Paris Convention for the Protection of Industrial Property on the basis of the first application for registration of the trade mark filed in a foreign state party to the Paris Convention or the Agreement establishing the World Trade organization, provided that the application for registration of the trade mark is filed in Norway within six months from the filing date of the first application.

Section 6. Anyone who claims priority in accordance with Section 18 of the Trade Marks Act (cf. Article 11 of the Paris Convention) shall, prior to the laying open of the application to public inspection in accordance with Section 20 of the Trade Marks Act, inform the Patent Office of this in writing. Within the same time limit he shall submit information as to the international exhibition at which the trade mark was first used for displayed goods, the time of opening of the exhibition, and the first display of the goods at the exhibition.

The provisions of the first paragraph of Section 18 of the Trade Mark Act concerning exhibition priority shall apply correspondingly to international exhibitions held in foreign states party to the Paris Convention for the Protection of Industrial Property or the Agreement establishing the World Trade Organization.

Designs Act and Design Regulations:

Section 8: If a design is indicated in an application for the registration of a design or for the protection of a utility model (Gebrauchsmuster) in a foreign state party to the Paris Convention for the Protection of Industrial Property *or the Agreement establishing the World Trade Organization*, and if an application for the protection of the design is filed in this country within six months thereafter, that application shall, for the

purposes of Sections 2 and 6 of the Designs Act, be considered as filed here at the same time as the application in the said foreign state. The same shall apply if protection for the design has been claimed outside this country in an application which, for special reasons, the Patent Office finds it possible to regard as equivalent to an application in a convention state.

In order to attain a priority in accordance with the provisions of the first paragraph, the applicant must claim the priority in the application document, stating where and when the foreign application was filed, and as soon as possible furnish information about the number of the foreign application.