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(ARBEIDSTAKEROPPFINNELSELOVEN)

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An Act respecting the right to employees' inventions.  
No. 21 of 17 April 1970. ("Norsk Lovtidend", 20 May 1970,  
No. 13, p. 620.)

4. Where an employee who is principally engaged in research or inventive work makes an invention in the course of such duties or where an invention results from a specified task assigned to an employee as part of his employment, the employer shall be entitled to have all or part of the rights to the invention transferred to himself if the exploitation of the invention comes within the sphere of activity of his undertaking.

Where the invention has a connection with the employment relationship other than that referred to in the preceding paragraph, the employer shall be entitled to exploit the invention in his business if such exploitation comes within the sphere of activity of his undertaking. If the employer wishes to acquire a more extensive right to such an invention, he shall, within four months after receiving the notification prescribed in section 5 below, have priority over others to conclude an agreement to that effect with the employee.

Where the invention has been made in circumstances not connected with the employment, the employer shall enjoy priority in making an agreement with the employee for the full or partial transfer of the rights to the invention during the same period as that referred to in the last sentence of the preceding paragraph, if its exploitation comes within the sphere of activity of the undertaking.

5. An employee who makes an invention that comes under section 4 shall without undue delay send the employer a written notification specifying the nature of the invention.

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6. An employer who wishes to acquire the right to an invention under section 4, first paragraph or second paragraph, first sentence, shall notify the employee in writing within four months of receiving the notification prescribed in section 5.

Until the expiry of the said four months after the employer's receipt of the notification under section 5, the employee shall not have the right without the written consent of the employer to dispose of an invention covered by section 4 or to take any action impairing the possibilities of obtaining a patent or making it possible to exploit the invention on the account of a third party: Provided that an employee who has given the notification referred to in section 5 may apply for a patent for his invention in Norway as long as this right has not been transferred to the employer. Before filing such application the employer shall be informed in writing to that effect.

7. If an employer, under section 4 or otherwise, acquires rights to an employee's invention, the employee shall be entitled to reasonable compensation even if an agreement to the contrary had been concluded before the invention was made, except where the value of the right acquired by the employer does not exceed the value of the services the employee may reasonably be expected to perform in return for his remuneration and other benefits that may be associated with his employment.

In determining the amount of the compensation special consideration shall be given to the value of the invention, the extent of the right that the employer has acquired, the employee's conditions of employment and the degree to which the employment may in other respects have contributed to the invention.

Legal proceedings for compensation must be instituted within five years of the date on which the employer has acquired rights to the invention: Provided that where a patent has been applied for, legal proceedings may be brought at any time within the year following the date on which the final decision on the application for the patent is given.

8. Where an application for a patent in respect of an employee's invention is filed within six months after the termination of his employment, the invention shall, unless the employee can produce evidence to the contrary, be deemed to have been made during the period of his employment, in as far as its exploitation comes within the sphere of activity of the former employer's undertaking and the invention is connected with such research or inventive work as constituted the principal duties of the inventor in his employment or results from a specified task assigned to the inventor as part of his employment.

9. Where the application of any stipulation embodied in an agreement between the employer and the employee concerning rights to the employee's inventions would be unreasonable, such stipulations may be set aside wholly or in part.

An agreement concluded between an employer and an employee to restrict the latter's right to dispose of an invention shall not be binding upon the employee in respect of any period in excess of one year after the termination of his employment.

10. Notwithstanding any agreement to the contrary the compensation fixed in pursuance of section 7 may be modified at the request of either of the parties where a substantial change has occurred in the determinant circumstances: Provided that this provision shall not be invoked to claim reimbursement of payments made to the employee on the basis of the previously fixed amount.

11. Any person who wilfully and in an unlawful manner makes use of or divulges information concerning the inventions of a third party that has come to his knowledge through the application of the provisions of this Act shall be liable to a fine or a term of imprisonment up to three months.

The same penalties shall apply to any person who wilfully violates the provision embodied in section 6, second paragraph, first sentence.

Public prosecutions shall only be instituted at the request of the aggrieved party.

12. Any dispute arising from matters covered by this Act may be submitted to a conciliation board by either of the parties.

Such board shall consist of a chairman and two members. The rules governing their disqualification shall be the same as those applying to judges. The chairman, who must have the qualifications generally prescribed for professional judges, and one of the members, who must have knowledge and experience of matters concerned with patent rights and related questions, as well as their substitutes shall be appointed by the Crown for a term of five years. The other member, who must have technical knowledge of the field in which the invention is made, shall be appointed ad hoc by the competent ministry.

At the request of either party or at the discretion of the board two members may be added to represent employers' and workers' interests respectively. These latter members shall be appointed ad hoc by the competent ministry. Where one of the parties is a member of an employers' or workers' association, the appointment shall be made in consultation with the respective association.

13. The board shall attempt to bring about an amicable settlement between the parties, inter alia by drafting proposals to serve as a basis for conciliation.

If the parties so agree, the board shall act as an arbitration body.

The expenses of the board shall be covered out of public funds.

Detailed rules on the work of the board shall be made by the Crown.

14. Once a case has been referred to the board for conciliation, the said conciliation procedure shall apply in lieu of mediation by the arbitration board in case of legal action.

Where the board refers a case to an ordinary court, section 299 of the Code of Civil Procedure shall apply, mutatis mutandis.

15. This Act shall come into operation on the date appointed by the Crown.

The Act shall not apply to inventions made before its commencement.

Section 8 shall not apply in respect of any employee whose employment is terminated within six months after the commencement of the Act.

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