

Regulations Concerning Applications for Registration, etc. of Trade Marks and Collective Marks

Royal Decree of August 4, 1961, as amended by Royal Decrees of July 26, 1963, April 14, 1967, March 26, 1971, November 19, 1971, November 9, 1973, February 28, 1975, October 12, 1979, June 5, 1981, April 23, 1982, January 17, 1986, May 16, 1986 and March 12, 1993, November 12, 1993.

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1. Unless otherwise explicitly stated, the provisions of these Regulations concerning trade marks shall also apply to collective marks. The provisions of these Regulations concerning goods and classes of goods shall also apply to services and classes of services unless otherwise stated in the Regulations or made apparent by the context, cf. [Section 1, third paragraph](#), of the Trade Marks Act.

Applications for Registration and Accompanying Documents

2. An application for registration of a trade mark shall be drawn up as a written communication to the Patent Office in Oslo, dated and signed by the applicant or his agent. The communication shall be in the Norwegian language, except where the Patent Office in individual cases finds that it will accept other languages. In addition to a reproduction of the trade mark and a request for its registration, the communication shall include information relating to:

- (1) The name of the firm of the applicant or his full name together with his permanent place of business, and, where applicable, also the name of his agent and his permanent place of business or place of residence. For a collective mark, the location of the registered offices of the board of the applicant shall be stated.
- (2) The type of business where the trade mark is to be used. For a collective mark, other provisions regarding the use of the mark shall be stated.
- (3) The goods or classes of goods to which the application for registration relates.
- (4) A list of enclosures.

Where registration of several trade marks is applied for at the same time, a separate application shall be filed for each individual mark.

3. An application for registration of a trade mark shall be accompanied by:

- (1) Where the mark consists of letters, numbers or words in a distinctive shape or the mark consists of a figure, a picture of the mark in five copies. A picture is not required for a mark in black and white consisting of letters, numbers or words printed in ordinary types. Where the mark is in colour, an additional picture in black and white shall be submitted. The pictures must not exceed 75 mm in either height or width. Black and white pictures must lend themselves to offset reproduction. Where the mark is in colour and the production of pictures in colour involves particular difficulties or expense, the Patent Office may, prior to the mark being laid open to public inspection, accept black and white pictures accompanied by an exact specification of the colours and their location in the mark. In other instances the pictures shall not be accompanied by any explanation of the mark.

Where the application is for the registration of a packaging as a trade mark, a sufficient number of pictures, but not more than six, each in five copies, to show the entire packaging desired to be registered. Where the packaging is in colour, an additional set of black and white pictures shall be handed in. Where the Patent Office finds it necessary, a specimen of the packaging, if necessary a model on a reduced scale, shall be handed in for keeping at the Patent Office. The specimen or model must not exceed 40 cm in any direction or weigh more than 10 kg. Where there are such discrepancies between the depicted packaging, including any specification of colour, and the packaging as shown by the specimen or model that any doubt may arise as to the exact appearance of the registered packaging, the Patent Office may demand that the pictures and the specimen or model are brought into agreement. The fourth to the seventh sentences of the first paragraph shall apply correspondingly.

- (2) Where the applicant is represented by an agent, a power of attorney. It shall appear from the power of attorney that the agent is authorized to represent the applicant in everything relating to the application, and, where the authority is to include also the registered trade mark, everything relating to this.

An applicant domiciled in this country may use an agent as provided for an applicant not domiciled in this country, cf. [Section 31](#) of the Trade Marks Act, or restrict the authority as desired.

- (3) The stipulated fee ([Section 31](#)).
- (4) Where the applicant is not engaged in trade in Norway, the application for registration shall be accompanied by a transcript from the Register of Trade Marks in the domestic country of the applicant, showing that the trade mark is registered by him there in respect of the goods or classes of goods which the application for registration concerns (documentation of registration in country of domicile). This shall, however, not apply where the registration authority of his domestic country does not require such documentation for an application concerning a mark the registration of which is applied for by a trader in Norway.

4. On filing an application for registration of a trade mark, a fee shall be paid for processing the application, publication and registration of the mark for a period of ten years counted from the date of registration, cf. [Section 22, first paragraph](#), of the Trade Marks Act.

Where, in connection with an application for registration of a packaging, several pictures are submitted, a stipulated fee shall be paid for every picture in excess of one.

Priority and Special Rights for Certain Applications for Registration

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.

The time limit for filing an application for registration claiming priority in accordance with [Section 30](#) of the Trade Marks Act, is in relation to most countries six months, cf. [Articles 4 and 18](#) of the Paris Convention.

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.

7. The time limits referred to in [Sections 1](#) and [30](#) of the Trade Marks Act shall expire at the end of the office hours of the day having the same number of the month as the day of the beginning of the time limit. If there is no such number in the relevant month, the last day of the month shall be considered as the expiry date of the time limit. Where the last day of the time limit is a day on which the Patent Office is closed for filing of applications for registration, the time limit shall be extended to the first day when the Office is open for such filing.

8. Anyone who, in accordance with [Section 29](#) of the Trade Marks Act, files an application for registration of a trade mark such as it is registered in a foreign State (“telle quelle” registration, cf. [Article 6](#) of the Paris Convention), shall inform the Patent Office of this in writing in the application or in the course of the processing of the application by the Patent Office. At the same time, documentation of the registration of the mark in the foreign State shall be submitted to the Patent Office. A transcript of the relevant leaf of the register in the foreign State shall be considered as documentation of its registration there, provided the transcript is certified by the registration authority of the State concerned.

Exclusion from Legal Protection

9. Where the Patent Office finds that the registration should include an entry concerning exclusion from legal protection, cf. [Section 15](#) of the Trade Marks Act, the wording of the entry shall be communicated to the applicant and he shall be given a time limit for submitting his comment.

Where the applicant objects to such entry, the Patent Office may refuse the application.

10. (Repealed by Royal Decree of May 16, 1986.)

Notices

11. Notices in accordance with the Trade Marks Act and the Collective Marks Act shall be published in “Norsk tidende for det Industrielle Rettsvern, Del II — Varemerker”, published by the Patent Office.

12. A notice in accordance with [Section 20](#) of the Trade Marks Act shall contain:

- (1) The number of the application for registration.
- (2) A specification of the trade mark, or, where the mark does not consist solely of words, letters or numbers not made up in a particular shape or form, a picture. Where the mark is in colour or where the mark consists of a packaging of which a specimen or model has been submitted to the Patent Office, the notice shall indicate that the trade mark is in colour or that a specimen or model of the mark is available at the Patent Office.

- (3) Where applicable, information concerning exclusion from legal protection in accordance with [Section 15, second paragraph](#), of the Trade Marks Act.
- (4) The date of filing the application with the Patent Office.
- (5) The information referred to in [Section 2, items \(1\) to \(3\)](#).
- (6) Priority claimed together with information as to where the previous claim has been filed, the filing date, and the number of the application.
- (7) Where applicable, information concerning priority in accordance with [Section 18](#) of the Trade Marks Act, stating the exhibition and date of priority.
- (8) Where applicable, information that the application, in accordance with [Section 29](#) of the Trade Marks Act, concerns a mark to be registered such as it is registered in a foreign State, stating the name of this foreign State.

Oppositions

13. Oppositions in accordance with [Section 20](#) of the Trade Marks Act shall be submitted in writing in triplicate to the Patent Office. The opposition shall contain the number of the application for registration, the name and address of the opponent, where applicable also the name and address of his agent, and the grounds for the opposition. Where the opponent is represented by an agent, a power of attorney for the latter shall be submitted.

Where the Patent Office does not find that the opposition is obviously without any importance, it shall send a copy of the opposition to the applicant, inviting him to comment on the opposition within a time limit stipulated by the Patent Office.

Letters of Registration, the Trade Marks Register, Renewals, etc.

14. The letter of registration shall contain the registration number of the mark and the date of the final decision on its registration together with information as referred to in [Section 12](#).

A letter of registration shall be sent to the proprietor of the mark or his agent (where the power of attorney is in accordance with [Section 3, item \(2\)](#)).

15. The Register referred to in [Section 12](#) of the Trade Marks Act shall have a separate leaf for every registered mark. The leaves shall be in numerical order according to the registration numbers of the marks.

A separate section of the Register of Trade Marks with separate consecutive registration numbers shall be kept for collective marks.

When a registration lapses, this shall be recorded in the Register.

16. When it has been finally decided that a mark shall be registered, this shall be recorded in the Register together with the same information as in the letter of registration, cf. [Section 14](#).

At the same time, a notice of the registration, including the information mentioned in the [first paragraph](#) and containing a reference to the previous notice, shall be published. Any alterations or corrections which may have been made shall also be recorded.

17. An application regarding an alteration in a registered trade mark in accordance with [Section 24](#) of the Trade Marks Act shall be submitted in writing to the Patent Office. It shall be signed by the proprietor of the mark or by his agent and it shall contain information as to:

- (1) The holder of the registration and, where applicable, his agent in accordance with [Section 12, item \(1\)](#).
- (2) The registration number.
- (3) The desired alteration of the mark together with a reproduction of the mark in its altered form.

The application shall be accompanied by the stipulated fee.

Where the Patent Office accepts the alteration, the holder of the registration shall — provided the mark consists of a figure — submit the block for printing of the altered mark in black and white and also ten pictures of the altered mark, where applicable in colour. The printing block and the pictures shall not exceed 7.5 cm × 7.5 cm.

When the alteration is accepted, the altered mark shall be entered in the Register and a notice published in which the date of the final decision on the alteration of the mark is stated. The notice shall also include the information referred to in [items \(1\)](#) and [\(2\)](#).

18. An application in accordance with [Section 33](#) of the Trade Marks Act for the recording of a transfer of a registered mark in the Register of Trade Marks shall be made in writing to the Patent Office. It shall be signed by the new proprietor or his agent, and either be co-signed by the previous proprietor or be accompanied by a statement signed by him to the effect that the mark has been transferred. Where the new proprietor proves that he is prevented from obtaining such statement, other proof of the transfer may be accepted. The application shall contain information, signed by the previous proprietor, as to whether the mark is transferred in connection with the undertaking in which it has been used.

The application shall contain the registration number of the mark together with information on the the new proprietor of the mark and his agent in accordance with [Section 2, items \(1\)](#) and [\(2\)](#), and, where applicable, be accompanied by a power of attorney in accordance with [Section 3, item \(2\)](#).

The application shall be accompanied by documentation of registration in the country of domicile where the mark is registered in accordance with [Section 29](#) of the Trade Marks Act, or where the country in which the new proprietor is engaged in trade, requires documentation of registration in the country of domicile from applicants engaged in trade in Norway, cf. [Section 28](#) of the Trade Marks Act.

The application shall be accompanied by the stipulated fee.

Where the Patent Office finds that the transfer may be recorded in the Register (cf. [Section 33, second paragraph](#)), this shall be done immediately, and a notice informing of the recording shall be published.

19. An application in accordance with [Section 34](#) of the Trade Marks Act concerning recording in the Register of a granted licence for a registered trade mark shall be submitted in writing to the Patent Office. It shall be signed by the licensee and/or the proprietor of the mark or his agent. Where only one party signs, a statement from the other party to the effect that a licence as referred to in the application has been granted shall be enclosed. Where the signer proves that he is prevented from obtaining such statement, other proof may be accepted.

The application shall contain the registration number, the date of granting the licence, the name of the licensee and the type of business in which he is to use the mark. The application shall also contain information as to any restrictions of the rights of the licensee.

The application shall be accompanied by the stipulated fee.

Where the Patent Office finds that the licence may be recorded in the Register, this shall be done immediately and a notice informing of the recording shall be published.

20. An application for entry in the Register of Trade Marks concerning a change of name of the proprietor or of the licensee shall be submitted in writing to the Patent Office, and shall be signed by the registration holder or by the licensee. Where the Patent Office finds it necessary, it may require that a certified transcript of the Business Names Registry/Registry of Joint Stock Companies or other documentation of the change of name is submitted.

The application shall be accompanied by the stipulated fee.

The new name of the registration holder or the licensee and the date of filing the application with the Patent Office shall be entered in the Register. A notice containing the change of name together with the registration number shall be published.

21. A change of the permanent place of business or residence of the registration holder, the licensee or the agent shall be entered in the Register of Trade Marks upon written notification to the Patent Office thereof from the holder of the right concerned or his agent. Where the registration holder moves his permanent place of business to another country in which documentation of trade mark registration in the country of domicile is required for applicants engaged in trade in Norway, such documentation shall be accompanying the notification, cf. [Section 3, item \(4\)](#) of these Regulations and [Section 28](#) of the Trade Marks Act.

22. A notification concerning an alteration of the power of attorney shall be accompanied by a power of attorney in accordance with [Section 3, item \(2\)](#) and by the stipulated fee. The new power of attorney shall be entered in the Register and a notice informing of the alteration shall be published.

23. An application for renewal of a trade mark registration shall comply with the provisions of [Section 2](#) in respect of form and content. In addition the application shall contain the registration number of the application. A specification of goods and classes of

goods shall only be required where a restriction is wanted made in connection with the renewal.

The application shall be accompanied by:

- (1) A power of attorney as prescribed in [Section 3,item \(2\)](#), where the applicant is being represented by a non-registered agent.
- (2) Documentation of registration in the country of domicile where the mark is registered in accordance with [Section 29](#) of the Trade Marks Act.
- (3) A fee as prescribed in [Section 32](#) for renewal of a trade mark, with the stipulated additional fee (respite fee), where the application for renewal is submitted within the six month period mentioned in [Section 23, first paragraph](#), of the Trade Marks Act.

The filing of an application for renewal of a trade mark registration with the Patent Office shall be recorded in the Register without delay. When the application for renewal is finally decided, the decision shall be entered in the Register and a notice, informing of the decision and stating the date of the final decision and the registration number, shall be published. Where the registration is renewed for somebody other than the person registered as the registration holder, information concerning the new holder shall be entered in the Register in accordance with [Section 2, items \(1\) and \(2\)](#), cf. [Section 18](#). Where there is a new agent or a change of names or addresses in connection with the renewal, this shall be proceeded with correspondingly, cf. [Sections 20, 21 and 22](#).

The six month time limit laid down in [Section 23, first paragraph](#) of the Trade Marks Act, expires on that day of the month which by its number corresponds to the registration date, or, where where the corresponding number does not exist in the month concerned, on the last day of the month.

24. The letter of renewal shall contain:

- (1) The registration number of the mark.
- (2) The date of registration and the date of the final decision that renewal is granted.
- (3) The information referred to in [Section 2,item \(1\)](#).
- (4) The mark, where this has been altered in connection with the renewal, cf. [Section 17](#).
- (5) The goods or classes of goods which the registration concerns, where the goods or classes of goods have been restricted in connection with the renewal.

The letter of renewal shall be sent to the registration holder when it has been finally decided that the registration shall be renewed.

25. A request for a mark to be deleted from the Register shall be submitted in writing to the Patent Office, the number of the registration wanted to be deleted from the Register shall be stated, and the request shall be signed by the registration holder or by an agent specially authorized to make such request.

The deletion from the Register shall be entered in the Register and a notice published, stating the date of filing the request with the Patent Office and the registration number.

The corresponding provisions shall apply to a request concerning a restriction of the goods for which the mark has been registered.

26. The Patent Office may require that a signature of a declaration of transfer or licence, or a declaration of deletion of a registered mark from the Register shall be attested by a notary public, a district police superintendent or his authorized deputy, a conciliator, a lawyer, an authorized assistant lawyer or by two attesting witnesses. Where the document is drawn up abroad, it may be required that the signature is attested by a Norwegian embassy, legation or consulate or the foreign authority empowered to give such attestation. In respect of a document drawn up in Denmark, Finland or Sweden, attestation by a lawyer resident in the country concerned may also be accepted. Attestation of a signature may also be required for other documents where the Patent Office finds this necessary.

Where the declaration referred to in the [first paragraph](#) is available as a copy, the copy shall always be certified by such person or authority as mentioned in the first paragraph.

27. Where a document submitted in accordance with the present Regulations is not drawn up in Norwegian, the Patent Office may, where it finds this necessary, require that a translation certified by a chartered translator is submitted.

28. The procedure prescribed in [Section 19](#) of the Trade Marks Act shall, as far as applicable, also apply to the processing of a request for deletion of a registered mark from the Register, an application for alteration of a registered mark, an application for entry in the Register of a transfer or a licencing of a registered mark, cf. [Sections 24, 33](#) and [34](#) of the Trade Marks Act, and also to a change of name of a registration holder or a licensee. However, there is no time limit for the resumption of such request or application.

Where the proprietor of the trade mark requests that a registration is deleted from the Register and there is a licence recorded in the Register, the licensee shall be notified of the request and be allowed a reasonable time limit for preparing a comment.

29. A written request for an examination in accordance with [Section 42, second paragraph](#), of the Trade Marks Act, shall be addressed to the Patent Office, and shall contain name and address, a reproduction of the mark which the request concerns, and a specification of the goods or classes of goods wanted to be included in the examination. The request shall be accompanied by the stipulated fee.

Appeals

30. Where an appeal is lodged with the Board of Appeals of the Patent Office, cf. [Sections 19, 20, 23, 33](#) and [34](#) of the Trade Marks Act, the stipulated fee shall be paid. Where there are several parties lodging appeals, each party shall pay this fee. The time of appeal is two months from the date on which a notification of the decision was sent from the Patent Office to the person having the right of appeal. Where nothing is proved to the

contrary, the date of the notification shall be considered as the date of sending the notification. The appeal shall be put in writing, and it shall be in four copies in cases where there is an opponent, cf. [Section 20, third paragraph](#), of the Trade Marks Act. The appeal shall be addressed to the Board of Appeals of the Patent Office. It shall contain a specification of those parts of the decision which are considered wrong and the grounds therefor. Where there are two or more parties involved, the Patent Office shall send a copy of the notice of appeal to the other party together with a request for comment within the time limit stipulated by the Patent Office.

Fees

31. Fees for applications for registration, cf. [Section 4](#) of the Trade Marks Regulations, shall be paid as follows:

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|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| (a) | for a trade mark, basic fee including registration in one class | NOK 1 600 |
| | additional fee for every class in excess of one | NOK 600 |
| (b) | for a collective mark, basic fee including registration in one class..... | NOK 3 200 |
| | additional fee for every class in excess of one | NOK 1 200 |
| (c) | for registration of a packaging, additional fee for every picture in excess of one, cf. Section 4, second paragraph , of the Trade Marks Regulations.... | NOK 200 |

32. Fees for applications for renewal shall be paid as follows:

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|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| (a) | For a trade mark, basic fee including renewal for one class | NOK 2 100 |
| | additional fee for every class in excess of one | NOK 900 |
| (b) | For a collective mark, basic fee including renewal for one class..... | NOK 4 200 |
| | additional fee for every class in excess of one | NOK 1 800 |
| (c) | respite fee, where an application for renewal is filed within the six month period mentioned in Section 23, first paragraph , of the Trade Marks Act: | |
| | for a trade mark | NOK 500 |
| | For a collective mark..... | NOK 900 |

33. The fee for an application concerning alteration of a trade mark in accordance with [Section 24](#) of the Trade Marks Act, cf. [Section 17](#) of the present Regulations shall be..... NOK 600

34. Fees for consideration of a case by the Board of Appeal of the Patent Office shall be paid as follows:

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|-----|------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| (a) | for an appeal to the Board of Appeal as mentioned in Section 30 of the Trade Marks Regulations | NOK 1 600 |
| (b) | for a request concerning a final decision of the validity of a registration, cf. Section 26 of the Trade Marks Act | NOK 1 600 |

35. Fees for changes in the Register shall be paid as follows:

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|-----|---------------------------------------------------------------------------------------------------------------------------------------------|---------|
| (a) | for a transfer, cf. Section 18 of the Trade Marks Act | NOK 300 |
| (b) | for a granted licence, cf. Section 19 of the Trade Marks Act | NOK 300 |
| (c) | for a change concerning the name of the registration holder or of the licensee, cf. Section 20 of the Trade Marks Act | NOK 300 |
| (d) | For a change concerning the agent, cf. Section 22 of the Trade Marks Act . | NOK 300 |

36. Fees for transcripts, time limits, etc. shall be paid as follows:

- (a) For a certified transcript of the Trade Marks Register NOK 300
- (b) for a certified transcript of the Trade Marks Register with accompanying documents laid open to public inspection, cf. [Section 42](#) of the Trade Marks Act NOK 300
- (c) For a request for a time limit or extended time limit for rectifying deficiencies, preparing a statement, giving further grounds, etc NOK 300
- (d) for a request for resumption of processing of the application NOK 550

37. Fees paid in accordance with these Regulations shall not be repaid, except from those instances where the repayment is made pursuant to **Section 42 of the Trade Marks Act**.