

Patent Regulations

Royal Decree of December 20, 1996 issued in accordance with

Act No. 9 of December 15, 1967 concerning Patents,

sections 5, 6, 8a, 9, 11, 28, 31, 34, 38, 62a, 68 and 69

Table of Contents

Chapter

	Sections
1. Filing of National Patents Applications, etc.	1 – 9
2. Priority	10 – 14
3. Patents Claims, Description and Abstract.....	15 – 22
4. Amendment of Patent Applications	23 – 25
5. Division of Patent Applications	26 – 30
6. Separation from Patent Applications	31 – 35
7. Availability of the Application to the Public	36 – 40
8. Processing of the Application	41 – 46
9. Opposition Procedure.....	47 – 51
10. Administrative Limitation of Patents.....	52 – 54
11. Filing of International Patent Applications, etc.	55 – 62
12. Entry of International Patents Applications into the National Phase, etc.	63 – 73
13. Spare Parts and Accessories for Aircraft	74
14. Supplementary Protection Certificates for Medicinal Products.....	75 – 89
15. Miscellaneous Provisions.....	90 – 92

The Table of Contents is not a part of the Regulations. It has been included in the offprint for the purposes of information.

Chapter 1

Filing of National Patent Applications etc.

Section 1

Patent applications shall be filed in writing with the Patent Office (Patentstyret), cf. the Patents Act, [section 8](#), the first period of the first paragraph.

Section 2

The application shall include:

- 1) a separate request for a patent;
- 2) a description of the invention, including any drawings necessary for the understanding thereof;
- 3) a precise statement of the subject matter for which patent protection is sought (patent claims), cf. the Patents Act, [section 8, the second paragraph](#); and
- 4) an abstract of the description and the patent claims, cf. the Patents Act, [section 8, the third paragraph](#).

The request shall be signed by the applicant or his representative, and shall contain the name of the inventor, the applicant and also the representative, if any.

Where patent is sought by someone other than the inventor, the application shall also contain documentation of the applicant's right to the invention.

Section 3

If, when filing the application, the applicant only refers to an earlier application concerning the same invention filed with a patent authority abroad and gives the filing date and number of the foreign application, a certified copy of that application later submitted to the Patent Office shall be deemed to have been received on the date on which the application was filed in this country.

Section 4

The description, the patent claims and the abstract shall be drawn up in the Norwegian language. Other documents may be drawn up in Norwegian, Danish or Swedish.

Descriptions, patents claims and abstracts which have not been filed in Norwegian shall be accompanied by a translation into Norwegian. Other application documents not filed in Norwegian, Danish or Swedish shall be accompanied by a translation into one of these languages.

In a specific case the Patent Office may refrain from requiring a translation or may accept a translation into a language other than those mentioned in the [second paragraph](#).

Certification of the translation by a government-authorised translator or in another manner acceptable to the Patent Office may be required.

The Patent Office may initiate the substantive examination of an application before a translation according to the foregoing provisions has been filed.

Section 5

Within three months from the date on which the application was filed or shall be deemed to have been filed, the applicant may file with the Patent Office a written request asking that a novelty search as referred to in the Patents Act, [section 9](#), be carried out. Where the applicant wishes the novelty search to be carried out by one of several possible international searching authorities, that authority shall be named in the request. If the patent application is not drawn up in a language accepted by the searching authority, the request shall be accompanied by a translation of the application into an accepted language.

The request shall be considered withdrawn if, at the expiration of the time limit stipulated in the first period of the first paragraph, the patent application and the prescribed translation do not satisfy the formal requirements which apply to international applications.

Section 6

The Patent Office shall accord an application number to each application filed with it.

Section 7

The Patent Office shall keep a journal of all applications filed with it. The journal shall be available to the public.

Section 8

Each week the Patent Office shall publish a list of patent applications filed with it. The Patent Office shall issue further provisions with respect to the contents of the list.

Section 9

The Patent Office shall issue further provisions with respect to

- 1) the application and its contents;
- 2) the obligation of a person acting as representative to enclose with the application confirmation of his representation of the applicant;
- 3) the other appendices which are to accompany the application, and the contents thereof; and

- 4) the conditions for initiating a substantive examination of the application before a translation into Norwegian has been filed.

Chapter 2

Priority

Section 10

Priority as referred to in the Patents Act, [section 6, first paragraph](#), first period, may be granted on the basis of an application which has been filed in a State party to the Paris Convention for the Protection of Industrial Property or to the Agreement establishing the World Trade Organization (WTO). Such priority may also be granted on the basis of an application which has not been filed in a State as referred to in the first paragraph provided that in the territory where the application has been filed equivalent priority rights are granted on the basis of Norwegian patent applications, and provided that the legislation of that territory is in essence in conformity with the Paris Convention.

Section 11

A priority claim as referred to in the Patents Act, [section 6](#), shall be included in the application when filed or shall be submitted in writing to the Patent Office no later three months after the filing of the application in this country. The claim shall contain information with respect to:

- 1) the authority with which the first application for protection of the invention was filed;
- 2) the filing date of the application; and
- 3) the application number of the application, if known;

If the application number referred to in [item 3](#) above is not known when the request for priority is filed, the applicant shall inform the Patent Office of the number as soon as he becomes cognisant thereof.

Section 12

Within 16 months from the date from which priority is claimed, the applicant shall submit to the Patent Office a certificate issued by the authority which received the original application indicating the filing date of the original application and the name of the applicant. In addition, a copy of the application, certified by the same authority, shall be submitted within the same time limit and in the form prescribed by the Patent Office.

The Patent Office may issue regulations providing for exemption from the obligation to submit documentation as referred to in the [first paragraph](#).

Section 13

An application may only form the basis for priority pursuant to the Patents Act, [section 6](#), if it is the first application to disclose the invention.

However, a later application relating to the same invention may form the basis for priority provided that

- 1) it has been filed with the same authority as the earlier application;
- 2) it has been filed by the same person as the earlier application, or by his successor in title;
- 3) on the filing date of the later application, the earlier application had been withdrawn, shelved or refused without having been made available to the public; and
- 4) the earlier application does not form the basis for any existing right and has not served as the basis for any priority claim.

If priority has been enjoyed on the basis of any such later application, the earlier application may no longer serve as a basis for a priority claim.

Section 14

A priority claim may also relate to a part of an application, and priority may be claimed on the basis of different applications, even if they concern different countries.

Chapter 3 Patent Claims, Description and Abstract

Section 15

A patent claim shall contain:

- 1) the title of the invention;
- 2) a statement describing the art in relation to which the invention constitutes something novel (the prior art), if such a disclosure is necessary;
- 3) a statement indicating the new and characteristic features of the invention.

If possible, the invention shall pertain to one of the following categories: product, apparatus, process or use.

A patent claim shall not contain anything that is irrelevant to the invention disclosed therein or irrelevant to the exclusive right claimed.

Section 16

A patent application may contain several patent claims. If several claims are contained in one application, they shall be arranged and numbered consecutively.

A patent claim may be independent or dependent. A dependent patent claim is a claim which relates to embodiments of an invention disclosed in another patent claim in the application, and which therefore comprises all the characteristics of that claim. Other patent claims are independent.

One or more dependent claims may be attached to a patent claim. A dependent claim may be attached to several preceding claims and shall open with a reference to such preceding claim or claims and then disclose the additional characteristic features of the invention.

Section 17

A patent application which comprises a plurality of inventions shall only be deemed to comply with [section 10](#) of the Patents Act if there is a technical interrelationship between the inventions. Such technical interrelationship between inventions exists when one or more identical or similar special technical features are common to the inventions. The term “special technical feature” means those technical features which define the contribution each invention makes over and above the prior art.

The determination of whether a plurality of inventions are dependent upon one another shall be made without regard to whether they are disclosed in separate claims or as alternatives in one patent claim.

Section 18

The description of the invention should not contain subject matter which does not contribute to the understanding thereof. If newly coined terms or terms not generally accepted have to be used, an explanation of those terms shall be given.

If the patent application includes a deposited culture of a microorganism as referred to in [section 8a](#) of the Patents Act, the application as filed shall contain all relevant information available to the applicant with respect to the characteristic features of the organism.

Section 19

Deposits as referred to in [section 8a](#) of the Patents Act shall be made with an institution which is an international depositary authority under the Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure, done at Budapest on April 28, 1977 (the Budapest Treaty).

The deposit shall be made in accordance with the Budapest Treaty.

The Patent Office shall keep a list of those institutions which are international depositary authorities under the Budapest Treaty.

Section 20

Where a culture of a microorganism has been deposited, the applicant shall inform the Patent Office in writing as to the institution in which the deposit has been made, and number the institution has accorded the culture. This information shall be provided within 16 months from the filing date of the application, or, if priority has been claimed, from the date on which priority is claimed.

If the applicant requests the documents of the application to be made publicly available earlier than provided for in [section 22, first](#) and [second paragraphs](#), of the Patents Act, the information referred to in the [first paragraph](#) of this section shall be submitted at the same time as the request, at the latest.

Where a sample of a deposited culture has been transferred from one international depositary authority to another under [Rule 5.1](#) of the Regulations under the Budapest Treaty, the applicant shall inform the Patent Office thereof and of the number accorded the culture by the institution.

As proof that the information referred to in this section is correct, the Patent Office may require a copy of the receipt issued by the depositary institution.

Section 21

A new deposit as referred to in the Patents Act, [section 8a, second paragraph](#), shall be made in the manner prescribed in the Budapest Treaty.

A new deposit shall be made within three months from the date on which the depositor received notification from the international depositary authority that samples of the deposited culture can no longer be furnished. Where the institution has ceased to be an international depositary authority for the type of microorganisms to which the deposit related or has ceased to fulfil its obligations under the Budapest Treaty, and the depositor has not received notification to that effect within six months from the date on which the International Bureau published an announcement thereof, the new deposit may be made within nine months from the publication date of the said announcement.

The depositor shall, within four months from the date on which the new deposit was made, submit to the Patent Office a copy of the receipt issued by the institution. However, where the time limit referred to in [section 20, first](#), cf. [second paragraph](#), expires later, the receipt may be submitted within that time limit. The number of the patent application or the patent to which the deposited culture belongs shall be submitted together with the receipt.

Section 22

The abstract in a national patent application shall refer to the description and the patent claims as they are in the basic documents, cf. [section 23](#). The Patent Office shall issue further provisions with respect to the drafting of the abstract. Wherever possible,

the final wording of the abstract shall be determined prior to the application becoming available to the public according to [section 22, second paragraph](#), of the Patents Act.

Chapter 4

Amendment of Patent Applications

Section 23

For the purpose of these Regulations, the basic documents of an application shall be the description of the invention, including the accompanying drawings and patent claims drawn up in the Norwegian language, available on the filing date of the application. If the description, including the accompanying drawings and patent claims, drawn up in Norwegian were not available on the date the application was filed or deemed to have been filed, the first description with accompanying patent claims subsequently submitted in the Norwegian language shall be deemed to be the basic document insofar as the contents thereof emerge clearly from the documents available when the application was filed.

Section 24

A patent claim must not be amended so as to contain subject matter not disclosed in the basic documents, cf. [section 23](#). If a patent claim is amended, the applicant shall at the same time indicate where in the basic documents the basis for the amendment is found.

To amend a patent claim, the applicant shall submit new copies of all the claims maintained, arranged consecutively. The Patent Office may in a specific case refrain from requiring such new copies, or accept that only new copies of the amended claims be submitted.

After the Patent Office has issued a statement with respect to the novelty search carried out, patent claims disclosing an invention that is independent from the inventions disclosed in the claims previously filed may not be included in the same application.

Section 25

The applicant may only make amendments or additions to the description and accompanying drawings as are necessary by virtue of [section 8](#) of the Patents Act. Such amendments or additions may not result in the patent claims comprising subject matter not disclosed in the basic documents.

Chapter 5

Division of Applications

Section 26

The applicant may submit a written request to the Patent Office asking that the application be divided into two or more new applications provided that the basic documents describe more than one invention. The request shall indicate the number of the original application (the parent application), and shall state which invention or inventions are to be the subject of each new application. In the request the applicant shall also state which application is to be regarded as a continuation of the parent application.

The request shall be accompanied by a new application fee for each new application not regarded as a continuation of the parent application.

The applicant shall file new application documents, cf. [section 2](#), for each new application.

Section 27

In the new applications, neither the patent claims nor the description with accompanying drawings may be drawn up so as to contain subject matter not disclosed in the basic documents of the parent application, cf. [section 23](#).

If, on the date of the request, the applicant has already been notified that patent may be granted on the basis of the parent application, cf. [section 19](#) of the Patents Act, the patent claims in the new applications may not be drawn up so as to extend the scope of patent protection in relation to the patent protection which might have been obtained if patent had been granted on the basis of the parent application.

Section 28

The request for division shall be refused if the conditions set forth in [sections 26](#) and [26](#) are not fulfilled.

Section 29

If the Patent Office finds no obstacle to granting the applicant's request for division, the request shall be granted.

The application regarded as a continuation of the parent application, cf. [section 26](#), shall retain the application number thereof. A new application number shall be allocated to each new application not regarded as a continuation of the parent application.

The new applications shall retain the priority of the parent application.

Section 30

The Patent Office shall issue further provisions with respect to the extent to which the applicant shall submit copies of documents previously submitted as a part of or appendix to the parent application.

Chapter 6

Separation from Patent Applications

Section 31

If an invention not disclosed in the basic documents of a patent application, cf. [section 23](#), has been disclosed in that application through an amendment to the description or patent claims or in any other manner, the applicant may submit a written request asking that a new application relating to this invention be separated from the original application (the parent application). In the request, the applicant shall state the number of the parent application.

The request shall be accompanied by a new application fee for the new application.

Section 32

In the new application, patent must not be sought for subject matter not disclosed in the parent application immediately after the first document in the application disclosing the invention was filed with the Patent Office.

If, on the date of the request, the applicant has already been notified that patent may be granted on the basis of the parent application, cf. [section 19](#) of the Patents Act, the patent claims in the new applications may not be drawn up so as to extend the scope of patent protection in relation to the patent protection which might have been obtained if patent for the invention disclosed later had been granted on the basis of the parent application.

Section 33

The request for separation shall be refused if the conditions in [section 31](#) and [32](#) are not fulfilled.

Section 34

If the Patent Office finds no obstacle to granting the applicant's request for separation, separation shall be granted.

The new application shall be deemed to have been filed on the date on which the first document disclosing the invention was filed with the Patent Office. The application shall be allocated a new application number.

Section 35

The Patent Office may issue further provisions with respect to the extent to which the applicant shall submit documents previously submitted as a part of or appendix to the parent application.

Chapter 7

Availability of the Application to the Public

Section 36

Where a patent application has been made available to the public pursuant to [section 22](#) of the Patents Act, prior to the grant of patent, the abstract shall be printed as soon as its final wording has been determined. The Patent Office may also print other parts of the application together with the abstract. Subject to payment of the prescribed fee, anyone may obtain printed copies at the Patent Office.

Section 37

A request pursuant to [section 22, ninth paragraph](#), of the Patents Act for the issue of a sample of a deposited culture shall be drawn up as prescribed in **Rule 11** of the Regulations under the Budapest Treaty.

Where the request is for a sample of a deposited culture belonging to a patent application on which no final decision has been made, the requester shall undertake, vis à vis the applicant, not to use the sample for anything other than experimental purposes before a final decision has been made with respect to the application and not to make the sample available to others until a final decision has been made with respect to the application or, if patent is granted, before the patent has expired.

Where the request is for a sample of a deposited culture belonging to a patent, the requester shall undertake, vis à vis the patent holder, not to make the sample available to others before the patent has expired.

The requester shall undertake to fulfil the same obligations as those referred to in the [second](#) and [third paragraphs](#) in respect of cultures derived from the sample, and which have retained the characteristics of the deposited culture which are essential for the performance of the invention.

The request for the issue of a sample shall contain a declaration to the effect that the requester is bound by the obligations referred to in this section.

Section 38

A request pursuant to [section 22, eighth paragraph](#), of the Patents Act that samples of a deposited culture shall only be issued to a specially appointed expert, must be submitted to the Patent Office no later than the day before the application becomes publicly available pursuant to [section 22](#) of the Patents Act.

The Patent Office shall keep a list of persons whom it deems suitable to be nominated as experts.

If the sample may only be issued to a specially appointed expert, it shall be stated in the request for the issue of the sample who is to be called upon as the expert. The request shall contain a written declaration from the expert to the effect that, vis à vis the applicant, he or she is bound by obligations corresponding to those in [section 37, second, cf. fourth paragraph](#).

A person who is included in the list kept by the Patent Office or who has been accepted by the patent applicant in a particular case may be called upon as an expert.

Section 39

Notwithstanding the obligations in [section 37](#) and [38](#), a derived culture may, if so desired, be deposited for the purposes of a new patent application.

Section 40

If a request for the issue of a sample of a deposited culture has been submitted and the conditions for the issue are met, the Patent Office shall provide a declaration to that effect. The Patent Office shall send the request and the declaration to the institution where the culture has been deposited. At the same time the Patent Office shall send a copy of the request and the declaration to the patent applicant or patent holder.

Where the Patent Office finds that it cannot provide a declaration as referred to in the [first paragraph](#), the requester shall be notified accordingly.

Chapter 8

Processing of the Application

Section 41

When examining whether the conditions for the grant of patent laid down in [section 2](#) of the Patents Act have been fulfilled, the Patent Office shall take into consideration everything that comes to its attention.

The novelty search shall be carried out on the basis of:

- 1) patent specifications, patent applications laid open to public inspection, published patent applications from Norway, Denmark, Finland, France,

Germany, Great Britain, Sweden, Switzerland, the USA and the European Patent Office, or excerpts thereof;

- 2) published international patent applications or excerpts thereof; and
- 3) applications for patent in Norway that are available to the public or excerpts thereof.

The search may also comprise other available material.

To the extent that a novelty search as referred to in the first period of the [second paragraph](#) cannot be carried out or would otherwise involve particular difficulties, the Patent Office may in a particular case omit to carry out such a search.

The Patent Office may issue further provisions with respect to the novelty search.

Section 42

The Patent Office may procure opinions from experts not in its service if necessary for the processing of the application.

Section 43

When deemed necessary for the evaluation of the patentability of an invention, the Patent Office may direct the applicant to submit a model, sample or the like, or to arrange for investigations or experiments to be carried out.

Section 44

Where patent is sought for an invention for which the same applicant has filed a patent application abroad, the applicant shall, at the request of the Patent Office, be obliged to report what the patent authority concerned has communicated to him regarding the examination of the novelty of the invention and its patentability in other respects.

At the request of the Patent Office and within a time limit fixed by the Patent Office, the applicant is obliged to submit:

- 1) a certified copy of the search and/or examination reports issued by the patent authority concerned; or
- 2) a declaration to the effect that the applicant has not yet received any such report from the patent authority concerned.

The Patent Office may issue further provisions stipulating that copies or declarations as referred to in the [second paragraph](#) shall be accompanied by a certified translation.

Section 45

If the decision is made to accept an application before it has become publicly available pursuant to [section 22, second](#) and [third paragraphs](#), of the Patents Act, the Patent Office may at the request of the applicant defer the grant of patent until the

application has become available to the public according to the said provisions. The Patent Office may not under other circumstances defer the grant of patent after the decision to accept the application has been made.

Section 46

The Patent Office shall provide for the printing of a patent specification as referred to in [section 21](#) of the Patents Act as soon as possible once the fee for grant according to [section 20](#) of the Patents Act has been paid or exemption from payment of such a fee has been granted.

The Patent Office may issue further provisions with respect to the form of a patent specification.

Chapter 9

Opposition Procedure

Section 47

A notice of opposition according to [section 24](#) of the Patents Act shall be filed in writing in triplicate and shall contain:

- 1) the name and address of the opponent, and also that of his representative, if any;
- 2) the number of the patent to which opposition is filed; and
- 3) an indication of the scope of the opposition and the grounds on which the opposition is based, including an indication of the facts and evidence, e.g., publications, presented in support of these grounds.

Under special circumstances as referred to in the third period of the [first paragraph of section 24](#) of the Patents Act, the Patent Office may grant the opponent an additional time limit of up to one month in which to file further documentation in support of the opposition. Such additional time limit may only be granted if the opponent has so requested within the nine month term referred to in [section 24, first paragraph](#), second period, of the Patents Act.

Section 48

The Patent Office may issue further provisions with respect to the obligation of anyone acting as representative to enclose with the notice of opposition confirmation of his representation of the opponent.

Section 49

The Patent Office shall dismiss the opposition if the conditions laid down in or according to [section 47, first paragraph](#), and [section 48](#) are not fulfilled.

Section 50

Unless the Patent Office finds it obvious that the opposition is to be rejected according to the [section 24, third paragraph](#), of the Patents Act, the Patent Office shall send two copies of the notice of opposition with accompanying appendices to the patent holder inviting him to file a response within a stipulated time limit.

If the patent holder files a response, the Patent Office shall decide whether further correspondence between the parties concerned is necessary.

The response and any subsequent observations shall be submitted in triplicate.

Section 51

Under circumstances as referred to in [section 24, sixth paragraph](#), of the Patents Act, the processing of the application may only continue if the Patent Office notifies the patent holder accordingly within two months after having received notice of the withdrawal of the opposition.

Chapter 10

Administrative Limitation of Patents

Section 52

A request for administrative patent limitation according to [section 39a](#) of the Patents Act shall be filed in writing and shall include:

- 1) the name and address of the patent holder and that of his representative, if any;
- 2) the number of the patent for which limitation is sought; and
- 3) an indication of the limitation requested.

If an amendment to the description is requested, the request shall also contain a fair copy of the version of the description which is to be included in the new patent specification.

If an amendment to the claims is requested, the patent holder shall submit with the request new copies of all the claims maintained, drafted consecutively.

The request shall be signed by the patent holder or his representative.

Section 53

The Patent Office may issue further provisions with respect to the obligation of the person acting as representative to enclose with the request confirmation of his representation of the applicant.

Section 54

The Patent Office shall dismiss requests for administrative limitation of a patent which is submitted by someone other than the patent holder.

Chapter 11

Filing of International Patent Applications, etc.

Section 55

The Patent Office is the receiving Office for international patent applications filed by

- 1) Norwegian nationals;
- 2) persons domiciled in Norway;
- 3) persons operating a business activity in Norway; and
- 4) Norwegian legal persons.

Where an international application is filed jointly by several applicants, the Patent Office shall be the receiving Office for the application if at least one of the applicants fulfils the requirements of the [first paragraph](#).

Section 56

In its capacity as receiving Office, the Patent Office shall receive, check and transmit international applications in accordance with the Patent Cooperation Treaty (PCT) done at Washington on June 19, 1970, and the PCT Regulations. However, such applications shall not be transmitted if this would contravene the provisions of Act No. 8 of June 26, 1953 concerning Inventions Important for the Defence of the Realm.

Section 57

International patent applications shall be filed in one copy with the Patent Office, and shall be drawn up in the Norwegian or the English language. The request may be in English even though the other application documents are in Norwegian.

Moreover, the application shall fulfil the requirements stipulated in the PCT and the PCT Regulations.

Section 58

A priority claim as referred to in PCT [Article 8](#), cf. [Rule 4.10](#) in the PCT Regulations, may be submitted with the application. Such a claim shall include information as to where and when the application from which priority is claimed was

filed. If the said application is an international application, the claim shall also indicate at least one of the countries it comprises.

Where the number of the application from which priority is claimed is not given in the claim, the applicant shall provide the Patent Office or the International Bureau with the number within 16 months from the date from which priority is claimed.

Section 59

Where priority as referred to in [section 58](#) has been claimed, the applicant shall submit a priority document to the Patent Office or the International Bureau in accordance with PCT **Rule 17.1 (a)**. Where the priority document is to be issued by the Patent Office, the applicant may, instead of submitting the document himself, request the Patent Office to transmit it to the International Bureau in accordance with PCT **Rule 17.1 (b)**.

Section 60

Where a culture of a microorganism has been deposited, the applicant shall notify the International Bureau in writing of the institution with which the deposit was made, and the number this institution has accorded the culture, unless such information was given in the application as filed.

The information shall be provided no later than 16 months after the filing date of the application or, if priority has been claimed, the date from which priority has been claimed. If the applicant makes a request for early publication of the international application under PCT **Article 21(2) (b)**, this information shall be provided at the same time as the said request was made, at the latest.

Section 61

The Patent Office shall keep a separate journal of international patent applications filed with it. The journal shall not be available to the public.

Section 62

An applicant who is not a resident of this country shall have a representative in this country who can represent the applicant vis à vis the Patent Office in all matters concerning the application.

Chapter 12

Entry of International Patent Applications into the National Phase, etc.

Section 63

Unless otherwise provided for in this Chapter, the provisions of these Regulations relating to national applications shall apply mutatis mutandis to international applications entering the national phase under [section 31](#) of the Patents Act or taken up for processing in accordance with [section 38](#) of the Patents Act.

Section 64

If an international application is in a language other than Norwegian, a translation shall be filed at the entry into the national phase under [section 31](#) of the Patents Act or on requesting a review under [section 38](#). [Section 4](#) of these Regulations shall apply mutatis mutandis. The Patent Office may issue provisions limiting the obligation to file a translation of applications, only part of which is entering the national phase in this country.

Section 65

If an international application has entered the national phase in accordance with [section 31](#) of the Patents Act, and if at the expiration of the time limit for such entry, the Patent Office has not been notified by the International Bureau that it has received the application, the Patent Office shall notify the International Bureau accordingly.

Section 66

The time limit pursuant to [section 34](#) of the Patents Act is four months from the expiration of the time limit under the [first paragraph of section 31](#) of the Patents Act for entry into the national phase, unless the applicant has made a declaration as referred to in [section 31, second paragraph](#), of the Patents Act. If the application has made such a declaration, the time limit pursuant to [section 34](#) of the Patents Act shall instead be four months from the expiration of the time limit under the [second paragraph of section 31](#) of the Patents Act for entry into the national phase.

Section 67

If a copy of the application serving as the basis for priority has been filed with the International Bureau, the Patent Office may only require a copy and a translation of said application in accordance with PCT [Rule 17.2](#).

Section 68

If, in the case of an international application, the abstract accepted by the International Searching Authority has been filed, that abstract shall be accepted. If this is not the case, the Patent Office may determine the wording of the abstract. In the latter case, [section 22](#) shall apply mutatis mutandis.

Section 69

[Section 23](#) shall apply mutatis mutandis as to which documents are to be regarded as the basic documents in a patent application taken up for processing according to [section 38](#) of the Norwegian Patents Act.

Under these Regulations, the basic documents of international patent applications filed in Norwegian and entering the national phase in accordance with [section 31](#) of the Patents Act, shall be the copy of the description with accompanying drawings and patent claims submitted in accordance with [section 31](#) of the Patents Act. If a translation is required for entry into the national phase, the basic documents shall be the translation of the description with accompanying drawings and patent claims submitted according to [section 31](#) of the Patents Act. If amendments are made within the time limit applicable under [section 66](#), the basic documents shall be the translation as thus amended.

If, with the consent of the patent holder, a patent has been granted prior to the expiration of the time limit according to [section 66](#), the basic documents shall be the description with drawings and patent claims as they were when patent was granted. The first period shall apply mutatis mutandis to applications refused within the expiration of the time limit according to [section 66](#).

Section 70

A national search report shall not be issued prior to the time limit according to [section 66](#) without the consent of the applicant.

Section 71

Notifications as referred to in [section 36, first](#) and [third paragraphs](#), of the Patents Act shall be sent to the applicant by registered mail.

Section 72

The time limit for requesting a review under [section 38](#) of the Patents Act shall be two months from the date on which a notification as referred to in the [first paragraph of section 38](#) of the Patents Act was sent to the applicant.

If the applicant proves that he received the notification more than seven days after the date of the notification, the time limit shall be extended by the number of days in excess of seven that passed from the date of the notification to the date of receipt.

Section 73

If the application has been subjected to an international preliminary examination and the corresponding examination report has been submitted to the Patent Office, the applicant shall not be obliged to submit information to the Patent Office as referred to in [section 44, first paragraph](#), cf. the second period of the [third paragraph of section 69](#) of the Patents Act.

Chapter 13

Spare Parts and Accessories for Aircraft

Section 74

Notwithstanding any granted patent, spare parts and accessories for aircraft may be imported into the country and used here for the repair of aircraft belonging to a foreign State party to the Convention on Civil Aviation of December 7, 1944 (the Chicago Convention), and either party to the Paris Convention for the Protection of Intellectual Property of March 20 1883, or which has a patent legislation which recognises inventions made by nationals of other States party to the Chicago Convention and which guarantee protection for such inventions essentially in conformity with the Paris Convention.

Chapter 14

Supplementary Protection Certificates for Medicinal Products

Section 75

The following definitions apply below:

- a) a “certificate” shall mean a supplementary protection certificate for medicinal products;
- b) the “Regulation” shall mean **Annex XVII, item 6** [Council Regulation (EEC) No. 1768/92 concerning the creation of a supplementary protection certificate for medicinal products with adaptations to the EEA Agreement], including the amendments and additions provided for in Protocol 1 of the Agreement and elsewhere in the Agreement.

Section 76

An application for a certificate shall be filed in writing. The application and appendices shall be filed with the Patent Office in one copy, unless the Patent Office provides that more than one copy is to be filed.

The application shall be drawn up in the Norwegian language. If an appendix to the application is another language, it shall be accompanied by a translation. Certification of the translation by a translator or in another manner acceptable to the Patent Office may be

required. The Patent Office may grant exemption from the obligation to file a translations.

The application shall be signed by the applicant or the applicant's representative.

Section 77

An applicant who is not a resident of this country shall have a representative in this country able to represent the applicant in all matters concerning the application.

Section 78

Where an applicant has applied for a certificate for the same product in other States within the European Economic Area, the applicant should, in addition to the information required under [Article 8](#) of the Regulation, state the relevant application numbers and identify the authorities with whom the applications have been filed.

If a certificate is sought jointly by several applicants, and one of them shall be empowered to receive notifications on behalf of them all, this should be stated in the application.

The Patent Office may require the applicant to furnish further information with respect to the product whenever this is necessary for the processing of the application.

Section 79

An application must not be amended in such manner that a certificate for a different product, or based upon another basic patent, is applied for.

Section 80

In addition to the information referred to in [Article 9 \(2\)](#) of the Regulation, the number and filing date of the application shall be published.

Section 81

The Patent Office shall keep a journal of the applications for certificates filed. The journal and the application documents shall be available to the public.

Section 82

When examining whether the conditions laid down in [Article 3](#) of the Regulation have been fulfilled, the Patent Office shall take into consideration everything that comes to its attention.

In order to decide whether the condition laid down in [Article 3\(c\)](#) of the Regulation has been fulfilled, the Patent Office shall examine the Certificate Register.

Before a certificate can be granted, confirmation that the authorisation referred to in [Article 3 \(b\)](#) of the Regulation is the first authorisation to market the product as a

medicine in this country shall be obtained from the Norwegian Medicines Control Authority (Statens legemiddelkontroll).

Section 83

[Section 15, paragraphs 2 and 3](#), and [section 16](#) of the Patents Act shall apply mutatis mutandis to the time limits referred to in [Article 10.3](#) of the Regulation.

Section 84

If an application for a certificate is finally refused or shelved, a notice of this fact shall be published together with the information referred to in [section 80](#).

Section 85

In addition to the information referred to in [Article 11.1](#) of the Regulation, the published notice of the grant of a certificate according to the said Article shall contain the filing date of the application and the certificate registration number.

Section 86

A certificate shall contain the information referred to in [section 85](#).

Section 87

The Patent Office shall keep a separate register of granted certificates (the Certificate Register), as a part of the Register of Patents.

Section 88

If an application for a certificate is refused or shelved, the applicant may file an appeal against the decision with the second instance department of the Patent Office (the Board of Appeals). If the Board of Appeals refuses the application, the applicant may bring that decision before a court of law. [Section 27](#) of the Patents Act shall apply mutatis mutandis.

A decision to grant a certificate may not be brought before the Board of Appeals. Anyone may bring proceedings before the courts to have a granted certificate invalidated.

Whoever brings a case before the courts in accordance with the second paragraph shall at the same time notify the Patent Office. The provisions of [section 64](#) of the Patents Act shall apply mutatis mutandis.

Section 89

[Section 67](#) of the Patents Act shall apply mutatis mutandis with respect to the obligation of certificate holders not resident in this country to have a representative here, etc.

Chapter 15

Miscellaneous Provisions

Section 90

The Patent Office may issue further provisions with respect to:

- 1) patent specifications;
- 2) the Register of Patents
- 3) notices which shall be published pursuant to the Patents Act or these Regulations;
- 4) journals which shall be kept pursuant to the Regulations;
- 5) time limits; and
- 6) the implementation of the Patents Act and these Regulations in other respects.

Section 91

Regulations issued by the Patent Office in accordance with these Regulations shall be published in both the Norwegian Law Gazette (Norsk Lovtidend) and the Norwegian Patent Gazette (Norsk Patenttidende).

Section 92

These Regulations shall enter into force on January 1, 1997.

From the same date, the Decree regarding priority under the Patents Act laid down by the Prince Regent on January 11, 1957, and the Royal Decree of October 12, 1979 concerning applications for patent etc. shall be repealed.

Patent applications approved for laying open to public inspection prior to January 1, 1997 shall be processed to completion according to the rules of procedure in force until January 1, 1997.

In the case of patent applications filed prior to January 1, 1997 a request may be made for a change of effective filing date in accordance with the provisions in force until that date.
