

Regulations on Registration of Designs (Design Regulations)

Royal Decree of December 20, 1996

issued pursuant to Act No. 33 of May 29,

1970 concerning Designs, sections 7, 8, 14, 46, 47 and 48

Put forward by the Norwegian Ministry of Justice

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Chapter 1 Filing Design Applications

Section 1

An application for registration of a design shall be filed in writing with the Patent Office, cf. [section 10, first paragraph](#), of the Designs Act.

Section 2

The application shall be signed by the applicant or his representative and shall contain:

- 1) Particulars of the applicant's name and address, and also the name and address of his representative, if any,
- 2) details concerning the author of the design,
- 3) a specification of the article or articles for which registration of the design is sought,
- 4) an indication of the class or classes to which, in the applicant's opinion, the design belongs,

- 5) information as to whether the design is a model for the appearance of an article or for an ornament,
- 6) information as to whether the design is to be regarded as being filed in colour,
- 7) information as to whether priority is claimed pursuant to [section 8](#) of the present Regulations,
- 8) information as to whether the applicant requests deferment of the registration, cf [section 18](#) of the Designs Act; and
- 9) a list of the appendices accompanying the application.

A picture showing the design and a declaration as referred to in [section 10, third paragraph](#), third period, of the Designs Act shall be enclosed as appendices to the application. If the design has been created by someone other than the applicant, documentation of the transfer of the author's right to the applicant must be enclosed with the application as an appendix.

Section 3

The application and appendices thereto shall be drawn up in the Norwegian, Danish or Swedish language. However, the Patent Office may in a particular case require that the specification of the article or articles for which the design is sought registered, cf. [section 2, first paragraph, third point](#), be drawn up in the Norwegian language.

The Patent Office may in a particular case accept that the application and appendices are drawn up wholly or partly in a language other than those named in the first paragraph, first period, and may then require that a translation into one of these languages be submitted. Certification of the translation by a government-authorised translator or in another manner approved by the Patent Office may also be required.

Section 4

The provisions in [sections 12](#) and [45](#) of the Designs Act shall not apply to applicants or design right holders who are resident in Denmark or Sweden.

Section 5

The Patent Office shall allocate filed applications an application number, cf. [section 13](#) of the Designs Act.

Section 6

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

Section 7

The Patent Office shall issue further provisions with respect to:

- 1) The classification of the design,
- 2) the application and its contents,
- 3) the obligation of a person acting as representative to enclose with the application confirmation of his representation of the applicant,
- 4) other appendices that are to be attached to the application,
- 5) the appendices to the application and their contents, and
- 6) the journal of applications filed.

Chapter 2 Priority

Section 8

Application priority as referred to in [section 8, first paragraph](#), of the Designs Act may be claimed in accordance with Paris Convention for the Protection of Industrial Property of March 20, 1883, [Article 4](#), on the basis of the first application for the registration of a design or the protection of a utility model which discloses the design and which has been filed in a State party the Paris Convention or the Agreement establishing the World Trade Organisation (WTO), provided that an application for registration of the design is filed in Norway within six months after the first application has been filed.

The claim of application priority shall be included in the application. The following information shall accompany the claim:

- 1) The State in which the first application for the protection of the design was filed,
- 2) the date on which the application was filed, and
- 3) the application number of the application, if known.

If the application number referred to in [point 3](#) is not known when the claim of application priority is filed, information with regard to this number shall be sent to the Patent Office as soon as the applicant is cognisant thereof.

The Patent Office may require the person claiming application priority to file evidence of priority within a stipulated time limit. The time limit must not be set so as to be shorter than three months from the date on which the application was in fact filed in this country. The Patent Office shall issue further provisions with respect to evidence of priority.

The applicant's right to application priority lapses if the conditions laid down in or pursuant to the second and third paragraphs are not fulfilled.

Section 9

An application may be cited as basis for application priority even if it is not the first application which discloses the design, provided that:

- 1) The first application had been withdrawn, shelved or refused without the design becoming publicly available when the later application was filed,
- 2) the first application does not form the basis of any existing right,
- 3) the first application has not served as the basis for any claim of priority, and
- 4) the later application has been filed with the same authority as the first application and by the same person or his successor in title.

Section 10

The Patent Office may in special cases determine that application priority as referred to in [section 8, first paragraph](#), of the Designs Act shall also be obtainable on the basis of an application filed in a State which is not party to the Paris Convention for the Protection of Industrial Property or the Agreement establishing the World Trade Organisation. [Sections 8](#) and [9](#) in the present Regulations then apply correspondingly.

Section 11

When an application is filed for multiple registration in accordance with [section 11](#) of the Designs Act, the applicant may claim priority for one or more of the designs. Such priority may be claimed on the basis of a plurality of applications, even if these have been filed in different States.

Chapter 3

Division of Applications

Section 12

The applicant may request in writing that the Patent Office should divide the application into two or more new applications. In the request the applicant shall state:

- 1) The number of the original application,
- 2) which design or designs each new application shall contain,
- 3) which article or articles the design or designs in each of the new applications is/are sought registered for, and
- 4) which of the new applications is to be considered as a continuation of the original application.

The request shall be accompanied by a new application fee for each new application which is not considered to be a continuation of the original application.

Section 13

After the division, none of the applications may comprise a design or an article which was not included in the original application prior to the division.

Section 14

The request for division shall be refused if the conditions in [sections 12](#) and [13](#) are not fulfilled, or if the Patent Office otherwise finds that a division will result in doubt as to the scope of one of the applications.

Section 15

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

The application considered as a continuation of the original application, cf. [section 12](#), shall retain the application number allocated to the original application. New applications not considered to be a continuation of the original application, shall each be allocated their own new application number.

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

Section 16

The Patent Office shall provide further provisions as to whether the applicant shall file a copy of documents previously filed as a part of or appendix to the original application.

Chapter 4 Oppositions

Section 17

An opposition pursuant to [section 20](#) of the Designs Act shall be filed in writing in triplicate and shall contain details with respect to:

- 1) The opponent's name and address, and also the name and address of his representative, if any,
- 2) the number of the registration to which the opposition applies; and
- 3) a statement of the scope of the opposition and the grounds on which it is based.

In special cases as referred to in [section 20, first paragraph](#), third period, of the Designs Act, the Patent Office may grant the opponent an additional term of up to one month in which to submit additional documentation in support of the opposition.

Section 18

The Patent Office shall issue detailed provisions as to the obligation of anyone acting as representative to enclose with the opposition confirmation of their representation of the opponent.

Section 19

The Patent Office shall reject the opposition if the conditions stipulated in or pursuant to [section 17, first paragraph](#), and [section 18](#) are not fulfilled.

Section 20

Unless the Patent Office finds it evident that the opposition shall be rejected pursuant to [section 21, third paragraph](#), of the Designs Act, the Patent Office shall send two copies of the opposition to the holder of the registration with an invitation to respond within a specified time limit.

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

The response and any subsequent communications shall be filed in triplicate.

Section 21

In cases referred to in [section 21, sixth paragraph](#), of the Designs Act¹, the opposition proceedings may only be continued if the Patent Office notifies the holder of the registration thereof within two weeks after having received notice of withdrawal of the opposition.

Chapter 5

Spare Parts and Accessories for Aircraft

Section 22

Notwithstanding a registered design, spare parts and accessories for aircraft may be imported into this country and used for the repair of aircraft belonging to a foreign State which is party to the Convention on International Civil Aviation of December 7, 1944 (the Chicago Convention) and is either party to the Paris Convention for the Protection of Industrial

Property of March 20, 1883 or has a legislation on designs which recognises designs created by nationals of another State party to the Chicago Convention and which guarantees such designs protection which in essence corresponds to that of the Paris Convention.

¹ *This reference should be to section 20, sixth paragraph, of the Designs Act.*

Chapter 6

Miscellaneous Provisions

Section 23

A model which has been deposited with the Patent Office in accordance with [section 10, third paragraph](#), of the Designs Act shall be kept by the Patent Office until five years have elapsed after the expiry of the registration. If the holder of the registration has not then requested the return of the model, the Patent Office may destroy it.

Section 24

The Patent office may in regulations issue further provisions with respect to:

- 1) the processing of design applications,
- 2) the Register of Designs,
- 3) notices which shall be published pursuant to the Designs Act or these Regulations,
- 4) the calculation of terms, and also
- 5) the general implementation of the Designs Act and these Regulations.

Section 25

Directives issued by the Patent Office pursuant to the present Regulations shall be published in both Norsk Lovtidend (the Norwegian Legal Gazette) and Norsk Mønstertidende (the Norwegian Designs Gazette).

Section 26

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

Regulations concerning the Registration of Designs of September 10, 1970 shall be repealed from the same date.

Applications for the registration of designs which have been published prior to January 1, 1997 to give the public the opportunity to file oppositions thereto, shall be processed to completion according to the rules of procedure which were applicable until January 1, 1997.
