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(Norwegian Trademark Regulations)**

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## **Regulations to the Norwegian Trademarks Act (Norwegian Trademark Regulations)**

**Legal authority:** Passed by Royal Decree of 25 June 2010 with legal authority in Act no. 8 of 26 March 2010 on the protection of trademarks (the Norwegian Trademarks Act), Section 12, Section 18, Section 19, Section 26, Section 40, Section 50, Section 67, Section 70, Section 79 and Section 82; Act no. 32 of 12 March 1993 on plant variety rights, Section 26; Act no. 15 of 14 March 2003 on design protection (the Norwegian Design Act), Section 13, Section 27, Section 37 and Section 52; Act no. 2 of 6 June 1891 on the fineness and stamping of gold, silver and platinum products, etc., Section 4; and Act no. 9 of 15 December 1967 on patents, Section 28, Section 31, Section 52b, Section 62a, Section 62b, Section 68 and Section 69. Proposed by the Norwegian Ministry of Justice and the Police.

**EEA references:** EEA Agreement, Annex XVII no. 9h (Directive 2008/95/EC).

## **Chapter 1. National Trademark Applications**

### ***§ 1. Formal requirements***

An application for registration of a trademark is filed on a specific application form. The form and any enclosures shall be completed in printing type.

### ***§ 2. Content of the application***

The application shall include:

1. the applicant's name or business name and address and, where appropriate, the name or business name and address of the representative
2. information on priority, if this is requested, cf. Section 13 to Section 16
3. a representation of the trademark, cf. Section 8
4. a list of the goods and services for which application is made for registration of a trademark, cf. Section 10.

The application shall be signed by the applicant or his representative.

### ***§ 3. Address for correspondence***

Unless specified otherwise in the application, the address given under Section 2 no. 1 is the address for notifications and service, etc. under the Section 77 of the Norwegian Trademarks Act. If the applicant has appointed a representative, the address of the representative is the relevant address as far as the power of attorney allows. If there are several applicants or representatives, the address of the person listed first is the address for correspondence, unless specified otherwise. The applicant may, at any time, notify the Norwegian Industrial Property Office of a new address for correspondence.

### ***§ 4. Additional requirements for collective marks***

If the application is for registration of a collective mark, it shall also contain the regulations established for the use of the mark. The regulations shall include provision on:

1. who is entitled to use the mark and the conditions for use
2. the possible consequences of unlawful use or use in contravention of the conditions established in the regulations for the user
3. the proprietor's obligations to assert liability against a person who uses the mark in contravention of the regulations for use
4. the proprietor's rights and obligations in relation to users, including the right of supervision, possibly using specific supervisory bodies.

### ***§ 5. Filing date***

The application is given a filing date, even if the requirements for the application set forth in the Norwegian Trademarks Act and these Regulations are not met, if it contains a representation of the trademark for which application for registration is made, a list of the goods and services to which the application applies which meets the language requirements in Section 6 and information that makes it possible to identify and contact the applicant or representative, if any.

### **§ 6. *Language requirements***

The application, including any regulations as specified in Section 4 and the list of goods and services shall be in Norwegian.

Other documents shall be in Norwegian, Danish, Swedish or English.

If the application or other documents are in a language other than that specified in paragraph one, the Norwegian Industrial Property Office may request that the applicant file a translation into Norwegian within a time limit set by the Norwegian Industrial Property Office.

The Norwegian Industrial Property Office may request that the translation be certified by a state-authorized translator.

The Norwegian Industrial Property Office may, in individual cases, accept languages other than those specified in paragraph one.

### **§ 7. *Application that apply to several trademarks***

An application for registration may only apply to one trademark.

If an application applies to several trademarks, the Norwegian Industrial Property Office shall notify the applicant of this fact and set a time limit for the applicant to request that one of the trademarks is to be processed on the basis of the application.

The applicant may request that a trademark that is not processed on the basis of the original application be processed in a new application, cf. Section 17.

### **§ 8. *Representation of the trademark in the application, etc.***

It is necessary to specify in the application the type of trademark to be registered, for example whether it is a word mark, figurative mark, combined mark or three-dimensional mark. It is also necessary to specify whether the trademark is in colour.

If the application concerns a figurative or combined trademark, the applicant shall enclose a clear reproduction of the mark no larger than 8.0 x 8.0 cm. Reproduction means any graphic representation that can be recorded, stored and reproduced electronically.

If the application concerns a three-dimensional trademark, the applicant shall enclose the number of reproductions necessary to display the entire design of the mark. The Norwegian Industrial Property Office may decide which of the images supplied is/are to be included in subsequent publication. If it is considered necessary for the assessment of whether the trademark can be registered, the Norwegian Industrial Property Office may request the applicant to supply a model of the trademark. The model shall be made of durable, non-hazardous material and shall not exceed 30 cm in any direction or weigh more than 4 kg.

If the application concerns other trademarks, for example sound marks, marks consisting of colours or colour combinations or moving marks, the applicant shall supply a detailed description of the mark, for example in the form of notes or an indication of a colour number in an international colour code system. For sound marks and moving marks, the Norwegian Industrial Property Office may request the applicant to supply a sample of the trademark stored on a suitable medium.

The Norwegian Industrial Property Office establishes detailed guidelines on storage formats for the various trademark types, etc.

**§ 9. Alteration of a trademark for which registration has been applied for**

A request to alter a trademark for which registration has been applied for under Section 13 of the Norwegian Trademarks Act shall be filed to the Norwegian Industrial Property Office and include:

1. the applicant's name or business name and address and, where appropriate, the name or business name and address of the representative
2. any separate correspondence address under Section 3
3. the application number of the trademark to be altered
4. the alteration of the trademark required
5. a representation of the trademark in altered form and any additional images if necessary under Section 8.

The form and any enclosures shall be completed in printing type and be signed by the applicant or proprietor, or his representative.

A request for alteration may only include one new trademark. Assessment of whether the conditions have been met for altering a trademark for which registration has been applied for under Section 13, paragraph one of the Norwegian Trademarks Act shall always take place in relation to the trademark for which registration was originally applied for.

The new trademark shall be entered in the register with an indication of the date of the alteration of the trademark.

**§ 10. List of goods and services**

An application for registration of a trademark shall include a list of goods and services.

The goods and services shall be indicated clearly and unambiguously. Use of the designations in the Norwegian Industrial Property Office's Norwegian translation of the up to date version of the Nice Agreement no. 1 of 15 June 1957 Concerning the International Classification of Goods and Services in force is always considered to meet the requirement in paragraph one. The goods and services shall be listed in the classes to which they belong. The classes shall be set out in ascending numerical order.

The list of goods or services may not subsequently be extended to apply to goods and services other than those specified in the application when it was filed.

### ***§ 11. Disclaimer***

If the Norwegian Industrial Property Office considers that a disclaimer should be made for part of a trademark, the applicant shall be notified of this. The wording of the proposed disclaimer shall be included in the notification. The notification shall also include a time limit for the applicant to comment.

If the applicant does not accept the disclaimer, the Norwegian Industrial Property Office may reject the application for registration or cancel a registration following an opposition.

### ***§ 12. Objection during the processing of an application***

If, before a trademark is registered, the Norwegian Industrial Property Office receives an objection of importance to the assessment of the application, the Norwegian Industrial Property Office shall notify the applicant hereof.

An objection to the registration of a trademark does not grant any party rights. If the objection is not complied with, the party who has filed the objection shall be informed of the right to file an opposition.

## **Chapter 2. Priority**

### ***§ 13. Application priority***

A request for priority under Section 19, paragraph one, of the Norwegian Trademarks Act must be made within six months from the date of priority and must be stated in the application. It is not possible to make a request for priority after this time or to supplement an application with such a request after the application has been filed.

If the priority time limit expires on a public holiday or on a day on which the Norwegian Industrial Property Office is closed, the time limit is extended to the next working day.

Priority may also be requested for an application filed with a regional trademark authority if, under the legislation in a state that is party to the Paris Convention no. 1 of 20 March 1883 for the Protection of Industrial Property or the WTO Agreement no. 1 of 15 April 1994 Establishing the World Trade Organization or under a bilateral or multilateral agreement concluded between states that are party to the Paris Convention or the WTO Agreement, this is equated with filing a national application.

The request for priority shall specify the trademark authority with which the application being invoked was filed, the date on which it was filed and the application number. If the application number is not known, the number shall be forwarded as soon as the applicant knows it. If any of this information is missing, the Norwegian Industrial Property Office shall give the applicant a time limit of one month to correct the deficiency. The right to priority lapses if the time limit for correction is not complied with.

The Norwegian Industrial Property Office may request the applicant to supply proof of priority within three months. The proof of priority shall contain information as specified in paragraph three, sentence one, the name of the applicant and a copy of the application and shall be certified by the trademark

authority with which the application invoked was filed. The right to priority lapses if the time limit is not complied with.

A request for priority may be withdrawn by written notification to the Norwegian Industrial Property Office until the application for registration has been decided on.

#### ***§ 14. Exhibition priority***

A request for priority under Section 19, paragraph two, of the Norwegian Trademarks Act must be made within six months from the date of priority must be evident from the application. It is not possible to make a request for priority after this time or to supplement an application with such a request after the application has been filed.

If the priority time limit expires on a public holiday or on a day on which the Norwegian Industrial Property Office is closed, the time limit is extended to the next working day.

The request for priority shall indicate the name of the exhibition at which the trademark was first displayed, the state in which the exhibition was held and the time of the first display of the trademark at the exhibition. If any of this information is missing, the Norwegian Industrial Property Office shall give the applicant a time limit of one month to correct the deficiency. The right to priority lapses if the time limit for correction is not complied with.

The Norwegian Industrial Property Office may request the applicant to supply proof of priority within three months. A declaration by the management responsible for the exhibition that the exhibition was international and of the time of the first display of the goods with the trademark at the exhibition is accepted as proof of priority. The right to priority lapses if the time limit is not complied with.

Section 13, paragraph five, applies correspondingly.

#### ***§ 15. Partial priority***

If the application covers more than one good or service, the applicant may request priority for the trademark for one or more of the goods or services (partial priority).

Partial priority may also be requested on the basis of different applications. This applies even if the applications are filed in different states. Each application shall meet the conditions in Sections 13 and 14.

#### ***§ 16. Application in a state outside the Paris Convention or the WTO***

Priority under Section 19 of the Norwegian Trademarks Act may be requested on the basis of an application filed in a state that is not a party to the Paris Convention of 20 March 1883 for the Protection of Industrial Property or the WTO Agreement of 15 April 1994 Establishing the World Trade Organization if this state grants such priority on the basis of trademark applications filed in Norway.



The provisions in Section 13 to Section 15 apply correspondingly.

### **Chapter 3. Separating, Dividing and Merging Applications and Registrations**

#### ***§ 17. Separation of a trademark in a new application***

In the event of a request for separation under Section 7, paragraph two, the applicant shall file a new application form, a representation of the separated trademark and a list of goods or services. Section 23, paragraphs one, three and four, of the Norwegian Trademarks Act, apply correspondingly. The stipulated fee shall be paid.

Documents that were filed in the original application up to and including the implementation of the separation shall be considered to be documents in the new application. A separated application retains its priority from the original application.

A request for separation is rejected if the conditions in paragraphs one and two are not met.

If a separation is implemented, the applicant is notified of this and informed of the number of the new application.

#### ***§ 18. Division of applications***

An applicant may request that an application filed previously be divided into several independent applications.

A request for division shall indicate the number of the original application and include information on the goods and services with the associated class numbers covered by the original application and to be covered by the new application or applications. The stipulated fee shall be paid for each new application. A new application is called a divided application.

A divided application shall be filed before a final decision has been made on the original application. A divided application may not cover goods and services that were not covered by the original application prior to the division. A divided application may not cover the same goods and services as the original application or another divided application.

A request for division is rejected if the conditions in paragraphs two and three are not met. Section 23, paragraphs one, three and four, of the Norwegian Trademarks Act, apply correspondingly.

The application that is considered to be a continuation of the original application retains its original application number. Each divided application is assigned a new application number.

If a division is implemented, the applicant is notified of this and informed of the number of the divided application.

### ***§ 19. Divided application***

Documents that were filed in an original application up to and including the implementation of the division shall be considered to be documents in a divided application. A divided application retains its priority from the original application.

### ***§ 20. Division of registrations***

A proprietor may request that the Norwegian Industrial Property Office divide a registration into several registrations.

A request for division shall indicate the number of the original registration and include information on the goods and services with associated class numbers covered by the original registration and to be covered by the new registration or registrations. The stipulated fee shall be paid for each new registration. A new registration is called a divided registration.

A request to divide a registration shall be filed before the original registration has ceased.

A divided registration may not cover goods and services that were not covered by the original registration prior to the division. A divided registration may not cover the same goods and services as the original registration or another divided registration.

A request for division is rejected if the conditions in paragraphs two and three are not met. Section 23, paragraphs one, three and four, of the Norwegian Trademarks Act, apply correspondingly.

The original registration retains its registration number. Each divided registration is assigned a new registration number.

If a division is implemented, the proprietor is notified of this and informed of the number of the divided registration.

### ***§ 21. Divided registration***

Documents that were filed in an original registration up to and including the implementation of a division, shall be considered to be documents in a divided registration. A divided registration retains the same filing date and registration date as the original registration and, where relevant, the same priority as the transferred goods and services had in the original registration.

### ***§ 22. Merging divided applications and registrations***

An applicant may request that the Norwegian Industrial Property Office fully or partially merge previously divided applications, cf. Section 18.

The request shall indicate the number of the application, the number of the application with which it is to be merged and the goods and services with associated class numbers the merged application is to cover. In the event of a request for a partial merger, the applicant shall indicate the goods and services with associated class numbers that are to be included in the application to which goods and services are transferred. The stipulated fee shall be paid. A request for a merger is rejected if the conditions in this paragraph are not met.

Section 23, paragraphs one, three and four, of the Norwegian Trademarks Act, apply correspondingly.

If previously divided applications, including the original application, are merged, the application that has the original application number is always continued.

If a full or partial merger is implemented, the applicant is notified of this and informed of the number of the merged application.

A proprietor may request that the Norwegian Industrial Property Office fully or partially merge previously divided registrations, cf. Section 20. The provisions in paragraphs two to four apply correspondingly.

## **Chapter 4. Opposition and Administrative Review**

### ***§ 23. Form and content of an opposition***

An opposition under Section 26 of the Norwegian Trademarks Act shall be filed with the Norwegian Industrial Property Office and include:

1. the name or business name and address of the opposing party and, where appropriate, the name or business name and address of the representative
2. the registration to which the opposition applies
3. the grounds on which the opposition is based
4. information on the goods and services to which the opposition applies, or the goods and services that are unaffected by the opposition, if the request is for the registration to be only partially cancelled
5. necessary documentation of factors invoked in support of the opposition.

The opposition must be signed by the opposing party or his representative. Section 3 of the Regulations applies correspondingly to the address for correspondence with the opposing party, cf. Section 77 of the Norwegian Trademarks Act.

### ***§ 24. Notification of an opposition***

The Norwegian Industrial Property Office sends a copy of the opposition to the trademark proprietor as soon as possible with a time limit for him to comment. If the trademark proprietor replies, the Norwegian Industrial Property Office decides whether further communication between the parties is necessary before the case is processed.

### ***§ 25. Notification of continued processing of an opposition***

If an opposition is withdrawn, the Norwegian Industrial Property Office may still continue processing the opposition if there are special reasons for doing so and the trademark proprietor has been notified of this within two months after the Norwegian Industrial Property Office received notification that the opposition had been withdrawn.

**§ 26. Notification of the outcome of an opposition case**

The Norwegian Industrial Property Office shall notify the trademark proprietor and the opposing party of the outcome of the opposition case and of the right to appeal and the appeal time limit.

**§ 27. Administrative review**

A request for an administrative review under Section 40 of the Norwegian Trademarks Act shall be filed with the Norwegian Industrial Property Office and include:

1. the name or business name and address of the person who has filed the request and, where appropriate, the name or business name and address of the representative
2. the registration to which the request applies
3. the grounds on which the request is based
4. an indication of the goods and services to which the request for a review applies, or the goods and services that are unaffected by the request, if the request is for the registration to be only partially reviewed
5. necessary documentation of factors invoked in support of the request.

A request for an administrative review shall be signed by the party requesting the review or his representative. Section 3 of the Regulations applies correspondingly to the address for correspondence with the party requesting the review, cf. Section 77 of the Norwegian Trademarks Act.

**§ 28. Processing a request for an administrative review**

The processing of a request for an administrative review shall be carried out with good progress. Reply time limits and other time limits shall be set accordingly. A decision shall normally be made in the case after the trademark proprietor's reply has been received. Instead of further written processing of unsettled matters, it shall be considered whether it will be expedient to summon the parties to a meeting.

A copy of the request for an administrative review shall be enclosed with notification of the request, cf. Section 40, paragraph three, sentence one, of the Norwegian Trademarks Act.

If a request for an administrative review is withdrawn, the processing of the request shall be closed and the parties notified of this. Section 51, paragraph four, sentence three, of the Norwegian Trademarks Act applies during the processing of an appeal.

The Norwegian Industrial Property Office shall notify the trademark proprietor and the party who requested the administrative review of the outcome of the case and of the right of appeal and the time limit for appealing.

## **Chapter 5. The Trademark Register**

**§ 29. The Trademark Register**

The Norwegian Industrial Property Office keeps a register of applications filed and trademarks registered. Section 30 applies to international registrations in which Norway is designated. The information in the Trademark Register is available to everyone.

The Register shall contain the following information on the application and registration:

1. the number of the application and the registration
2. the name or business name and address of the applicant or proprietor
3. the name or business name and address of the representative
4. any separate address for correspondence, cf. Section 3 and Section 77 of the Norwegian Trademarks Act
5. the filing date of the application
6. whether priority is requested and, if so, the basis for priority and the information specified in Chapter 2
7. whether the application or registration is the basis for an international application or registration via Protocol no. 1 of 27 June 1989 to the Agreement of 14 April 1891 Concerning the International Registration of Marks (the Madrid Protocol)
8. a representation of the trademark, including the type of mark, plus a supplementary description of the mark, if this is necessary under Section 8
9. the list of goods or services
10. whether the application is a separated or divided application and, if so, the number of the original application
11. whether the registration is a divided registration and, if so, the number of the original registration
12. whether the separation or division of an application or registration has produced new applications or registrations, with information on the new application or registration numbers
13. whether the application or registration is merged with another application or registration and, if so, the number and filing date of the original application or registration
14. the date on which the trademark was registered
15. the date on which the registration was published
16. the date of expiry of the registration period or, where appropriate, the renewal period
17. other decisions made in the case and the status of the case
18. the wording of the disclaimer, if the trademark is registered with such a disclaimer, cf. Section 11
19. the regulations established for the use of the mark, if the mark is a collective mark, cf. Section 4
20. documents received and sent in the case
21. fees paid, outstanding and, where appropriate, refunded
22. that an opposition has been filed and the decision in the opposition case
23. whether the trademark has been renewed under Section 33 of the Norwegian Trademarks Act or the date of cessation
24. whether the right to the trademark has been transferred under Section 21 or Section 28 of the Norwegian Trademarks Act
25. whether a trademark applied for or registered has been altered, cf. Section 9 and Section 57
26. whether the registration has been cancelled under Section 30 or Section 45 of the Norwegian Trademarks Act, or deleted under Section 36, 37, 43 or 46, and the date of such cancellation or deletion
27. whether a request has been submitted for non-compliance with a time limit not to take effect and the decision in relation to such a request, cf. Section 80 of the Norwegian Trademarks Act
28. that a request for an administrative review has been filed and the decision in the case

29. that legal proceedings have been brought concerning invalidation, deletion or transfer of the trademark
30. that an appeal has been filed with the Norwegian Board of Appeal for Industrial Property Rights
31. that legal proceedings have been brought under Section 52 of the Norwegian Trademarks Act
32. that a transcript of a ruling has been sent to the Norwegian Industrial Property Office, and the outcome of the case when the ruling is legally binding
33. that the trademark has been subject to attachment or seizure
34. a new representative in connection with a change in conditions relating to the representative
35. about any assignment or licence
36. whether the name, business name or address of the applicant, proprietor, representative or licensee has been changed.

Notification of changes under nos. 33 to 36 shall be filed on a separate form determined by the Norwegian Industrial Property Office.

The form and any enclosures shall be completed in block letters.

### **§ 30. *International registrations***

International registrations in which Norway is designated are entered in the register specified in Section 29.

The information in the register is available to all.

The Register shall contain the following information on the international registration:

1. the international registration number
2. the name or business name and address of the proprietor
3. the name or business name and address of any representative
4. any separate address for correspondence, cf. Section 54 and Section 77 of the Norwegian Trademarks Act
5. the date of international registration
6. the date of notification by the International Bureau of the World Intellectual Property Organization (WIPO) of the designation of Norway
7. whether priority is requested and, if so, where the application invoked was filed, plus its filing date and application number
8. the date of designation or further designation of Norway
9. the date of the decision on effect in Norway
10. a representation of the trademark, including the type of mark, plus a supplementary description of the mark, if this is necessary under Section 8
11. the wording of the disclaimer, if the trademark is registered with such a disclaimer, cf. Section 11
12. the list in English of goods or services for which the trademark has been granted effect in Norway
13. the date of publication of the international registration, and the decision on protection in Norway
14. the date of expiry of the registration period or, where appropriate, the renewal period
15. the regulations established for the use of the mark, if the mark is a collective mark, cf. Section 4
16. notification of replacement of a national registration or of conversion to a national registration
17. information corresponding to that specified in Section 29 nos. 20 to 22, 24, 26 to 32 and 34 to 36

18. other information received from the International Bureau concerning international registration that applies in Norway when the information is important to the right to, rights in or protection of the trademark in Norway.

## **Chapter 6. Publications**

### **§ 31. Publication of a registration**

A trademark is published as it is registered. However, a word mark is published with the font determined by the Norwegian Industrial Property Office. The publication of registration of a trademark under Section 22 of the Norwegian Trademarks Act shall contain the information specified in Section 29, paragraph two, nos. 1 to 16, 18 and 19.

### **§ 32. Publication of an international registration**

When an international registration has gained full or partial effect in Norway, it shall be published. The publication shall contain the information specified in Section 30, paragraph two, nos. 1 to 15.

### **§ 33. Publication of oppositions received**

Publication under Section 26 of the Norwegian Trademarks Act shall include:

1. the registration number, the trademark and the classes of goods
2. the name or business name and address of the proprietor and, where appropriate, the name or business name and address of the representative and any separate correspondence address under Section 3
3. the name or business name and address of the opposing party and, where appropriate, the name or business name and address of the representative and any separate correspondence address under Section 23, sentence four, cf. Section 3
4. the date of the opposition
5. the edition of Norsk Varemerketidende (the Norwegian Trademark Journal) in which the registration was published.

### **§ 34. Publication of the final decision in an opposition case**

Publication that a final decision has been made on an opposition by the Norwegian Industrial Property Office, cf. Section 29 of the Norwegian Trademarks Act, shall include:

1. the registration number, the trademark and the classes of goods
2. the name or business name and address of the proprietor and, where appropriate, the name or business name and address of the representative and any separate correspondence address under Section 3
3. the name or business name and address of the opposing party and, where appropriate, the name or business name and address of the representative and any separate correspondence address under Section 23, sentence four, cf. Section 3
4. the date of the opposition
5. the outcome of the opposition case

6. the edition of Norsk Varemerketidende (the Norwegian Trademark Journal) in which the registration and the opposition were published.
7. the date on which the decision became final.

In the event of partial cancellation, the new list of goods or services is published in full.

**§ 35. *Publication of a request for an administrative review***

Publication under Section 40 of the Norwegian Trademarks Act shall include:

1. the registration number, the trademark and the classes
2. the name or business name and address of the proprietor and, where appropriate, the name or business name and address of the representative and any separate correspondence address under Section 3
3. the name or business name and address of the party requesting the administrative review and, where appropriate, the name or business name and address of the representative and any separate correspondence address under Section 27, sentence four, cf. Section 3
4. the date of the request for an administrative review
5. the edition of Norsk Varemerketidende (the Norwegian Trademark Journal) in which the registration was published.

**§ 36. *Publication of the final decision of an administrative review***

Publication of the final decision in an administrative review case shall include:

1. the registration number, the trademark and the classes of goods
2. the name or business name and address of the proprietor and, where appropriate, the name or business name and address of the representative and any separate correspondence address under Section 3
3. the name or business name and address of the party requesting the administrative review and, where appropriate, the name or business name and address of the representative and any separate correspondence address under Section 27, sentence four, cf. Section 3
4. the date of the request for an administrative review
5. the edition of Norsk Varemerketidende (the Norwegian Trademark Journal) in which the registration was published
6. the outcome of the administrative review
7. the date on which the decision became final.

In the event of a partial review, the new list of goods or services is published.

**§ 37. *Publication of a decision under Section 80 of the Norwegian Trademarks Act***

Publication under Section 80 of the Norwegian Trademarks Act shall include:

1. information on the time limit that has not been complied with and that it has been decided that the non-compliance with the time limit will not have any effect
2. information as specified in Section 29, paragraph two, nos. 1 to 2.



**§ 38. Publication of a renewal**

Publication of a renewal under Section 33 of the Norwegian Trademarks Act shall include:

1. information as specified in Section 29, paragraph two, nos. 1 to 4
2. the date of expiry of the renewal period.

**§ 39. Publication of the transfer of the right to a trademark**

Publication of the transfer of the right to a trademark shall include:

1. information that the right to the trademark has been transferred under Section 21 or Section 28 of the Norwegian Trademarks Act
2. the application or registration number
3. the name or business name and address and, where appropriate, the name or business name of the representative and any separate correspondence address, cf. Section 3, for both parties in the transfer case
4. the date on which the decision on the transfer became final.

**§ 40. Publication of a new list of goods or services**

Publication of an amendment of a list of goods or services in a registered trademark, cf. Section 58, shall include:

1. the registration number, the trademark and the classes of goods
2. the name or business name and address of the proprietor and, where appropriate, the name or business name and address of the representative and any separate address under Section 3
3. the date of entry of the amendment of the list of goods or services
4. the new list of goods or services
5. the edition of Norsk Varemerketidende (the Norwegian Trademark Journal) in which the registration was published.

**§ 41. Other publications**

The Norwegian Industrial Property Office shall also publish:

1. division of a registration, with an indication of the original registration number, the numbers of the divided registrations and information on the goods and services with associated classes of goods covered by the original registration and those the divided registration or registrations are to cover
2. mergers of registrations, with an indication of the numbers of the divided registrations and the new registration number, and information on the goods and services with associated classes of goods covered by the registration
3. that the registration has been cancelled under Section 30 or Section 45 of the Norwegian Trademarks Act, invalidated under Section 35 or deleted under Section 36, 37, 43 or 46
4. that the registration has ceased under Section 33 of the Norwegian Trademarks Act
5. alteration of a trademark under Section 34 of the Norwegian Trademarks Act, with an indication of the registration number and the altered trademark
6. notification of assignment
7. notification of a licence

8. notification of a change to the name or business name and address of the applicant, proprietor, representative or licensee, and any change to the separate correspondence address
9. notification of the appointment of, change in or deletion of a representative
10. attachment and seizure of the trademark
11. cessation of the effect of an international registration in which Norway is designated
12. replacement of a Norwegian trademark registration with an international registration, cf. Section 73 of the Norwegian Trademarks Act

Publication of notifications as specified in paragraph one, nos. 6 to 9, shall include the date on which the notification was received by the Norwegian Industrial Property Office.

## **Chapter 7. International Registration of Trademarks**

### ***§ 42. The international application***

An application for international registration shall be filed with the Norwegian Industrial Property Office on the International Bureau's official application form. The form and any enclosures shall be completed in printing type and be in English. The application shall also meet the conditions in Section 67 of the Norwegian Trademarks Act and rule 9 of the Common Regulations under Protocol no. 1 of 27 June 1989 to the Agreement of 14 April 1891 Concerning the International Registration of Marks (the Madrid Protocol).

The provisions on priority in Sections 13 to 15 apply correspondingly.

### ***§ 43. National application or registration as the basis***

An application for international registration shall be based on and fully correspond to one or more Norwegian applications or registrations that concern the same trademark, have the same applicant or proprietor and, alone or together, fully cover the list of goods or services in the international application, cf. Section 68 of the Norwegian Trademarks Act.

### ***§ 44. Transmission of the application to the International Bureau***

When the Norwegian Industrial Property Office has found an international application correct according to Sections 42, 43, 67 and 68 of the Norwegian Trademarks Act, it shall be sent to the International Bureau as stipulated in the Madrid Protocol.

### ***§ 45. Request for registration to take effect in other states***

When the Norwegian Industrial Property Office receives an application as specified in Section 69 of the Norwegian Trademarks Act, the Norwegian Industrial Property Office shall note the date of receipt and sign the application. If the application is found to be correct, it shall be sent to the International Bureau in time to be received there within two months after it was received by the Norwegian Industrial Property Office. The provisions in rule 24 in the Common Regulations under the Madrid Protocol apply in other respects.

**§ 46. Notification in the event of cessation of a basic application or basic registration, etc.**

If a national application or registration that is the basis of an international registration fully or partially lapses, is not granted or ceases within five years from the date of the international registration, the Norwegian Industrial Property Office shall notify the International Bureau of this, cf. Article 6, no. 3, of the Madrid Protocol and rule 22 of the Common Regulations under the Protocol.

The Norwegian Industrial Property Office shall notify the International Bureau in other respects as stipulated in the Madrid Protocol.

**§ 47. Request for an international registration to take effect in Norway**

When the Norwegian Industrial Property Office receives notification from the International Bureau with a request for an international registration to take full or partial effect in Norway, the Norwegian Industrial Property Office shall examine whether the conditions in Section 14 to Section 16 of the Norwegian Trademarks Act have been met, cf. Section 70 of the Norwegian Trademarks Act. The provisions in Section 11 and Section 12 apply correspondingly. Any collective mark regulations, cf. Section 4, shall be in English. In connection with the examination of the conditions in Section 14 to Section 16 of the Norwegian Trademarks Act, Section 20 of the Norwegian Trademarks Act applies correspondingly.

If the conditions in Section 14 to Section 16 of the Norwegian Trademarks Act have not been met, the Norwegian Industrial Property Office shall, no later than 18 months after the Norwegian Industrial Property Office was notified as specified in paragraph one, inform the International Bureau of this by issuing a provisional refusal under rule 17 of the Common Regulations under the Madrid Protocol. If the time limit is not complied with, the international registration takes effect in Norway. Rule 4 of the Common Regulations under the Madrid Protocol applies to calculation of the 18-month time limit.

**§ 48. Request for renewed assessment**

The provisional refusal specified in Section 47, paragraph two, shall state that the proprietor of the international registration may, within three months after the notification of the provisional refusal was sent, request renewed assessment of whether the registration is to take full or partial effect in Norway. Section 23 and Section 80 of the Norwegian Trademarks Act and Section 53 and Section 54 of these Regulations apply.

**§ 49. International registration is granted effect in Norway**

If the Norwegian Industrial Property Office finds that the conditions in Section 14 to Section 16 of the Norwegian Trademarks Act have been met, the international registration shall be granted effect in Norway with any modifications that proceed from the processing by the Norwegian Industrial Property Office.

**§ 50. Opposition**

When the Norwegian Industrial Property Office receives an opposition to an international registration taking effect in Norway within the 18-month time limit specified in Section 47, paragraph two, the Norwegian Industrial Property Office shall notify the International Bureau of this before the expiry of the time limit. The notification shall be worded as a provisional refusal based on an opposition under rule 17 of the Common Regulations under the Madrid Protocol.

When an opposition to an international registration taking effect in Norway may be filed after the expiry of the 18-month time limit, the Norwegian Industrial Property Office shall, before the expiry of the time limit, in accordance with rule 6, no. 1, letters a and b, of the Common Regulations under the Madrid Protocol, notify the International Bureau that it may be decided, after the expiry of the 18-month time limit, that the registration is not to take effect in Norway on account of an opposition. If an opposition is filed, the Norwegian Industrial Property Office shall, within one month after the expiry of the opposition time limit, notify the International Bureau of the opposition. The notification shall be worded as a provisional refusal based on an opposition under rule 17 of the Common Regulations under the Madrid Protocol.

After the expiry of the 18-month time limit, a provisional refusal based on an opposition may not be based on grounds other than those stated in the opposition.

The provisions in Section 23 and Section 25 apply correspondingly.

#### ***§ 51. Conversion to a national trademark registration***

A request for conversion under Section 75 of the Norwegian Trademarks Act shall be filed with the Norwegian Industrial Property Office in an application for national registration under Chapter 1. In addition to the information specified in Chapter 1, the application shall specify the international registration to which the request for conversion applies and the time of the lapse or termination as specified in paragraph two.

The time limit for filing a request for conversion under Section 75, paragraph one, of the Norwegian Trademarks Act is no later than three months after the lapse of the international registration was registered with the International Bureau. The time limit for filing a request for conversion under Section 75, paragraph two, of the Norwegian Trademarks Act is no later than two years after the termination of the Madrid Protocol took effect.

## **Chapter 8. Miscellaneous Provisions**

#### ***§ 52. About appeals***

If an appeal is withdrawn, the processing of the appeal may still continue if the parties have been notified of this within two months after the Norwegian Board of Appeal for Industrial Property Rights received notification that the appeal had been withdrawn.

#### ***§ 53. Language requirements for subsequent documents***

Documents that concern trademark registrations, including documents in cases concerning opposition, transfer, administrative review or appeal, etc. shall be in Norwegian, Danish or Swedish.

The same applies to documents that concern international registrations other than from the International Bureau, including documents in cases concerning renewed assessment under Section 48. If a document is in another language, the Norwegian Industrial Property Office request that a translation into Norwegian must be filed within a time limit set by the Norwegian Industrial Property Office. The provisions in Section 6, paragraph two, sentence two, and paragraph three, apply correspondingly.

**§ 54. Address for correspondence with the proprietor**

Section 3 applies correspondingly to correspondence with the proprietor of a national or international trademark registration.

**§ 55. Document formats, filing time, time limits and fees**

Applications and other documents may be filed in paper format or electronically in accordance with the Regulation on fees to the Norwegian Industrial Property Office

Provisions on time limits, fees and when a document is to be considered to have been filed within a time limit are provided in the Regulations on fees to the Norwegian Industrial Property Office.

**§ 56. Renewal and renewal letters**

The Norwegian Industrial Property Office shall notify the proprietor of the time limit under Section 33, paragraph one, of the Norwegian Trademarks Act for requesting renewal two months before the time limit expires. The fact that notification was not given does not grant any right to request renewal after the expiry of the time limit.

If the request for renewal does not meet the conditions in Section 33, paragraph one, of the Norwegian Trademarks Act, the Norwegian Industrial Property Office shall give the proprietor a time limit for correcting the situation. If the situation is not corrected within the time limit, the request shall be rejected.

If the registration is renewed, the Norwegian Industrial Property Office shall issue a renewal letter, which shall include:

1. the registration number
2. the registration date and the date of expiry of the renewal period
3. the proprietor's name or business name and address and, where appropriate, the name or business name of his representative.

The renewal letter shall be sent to the proprietor or his representative. If more than one proprietor of the registered trademark is listed, a renewal letter shall be sent to each proprietor. Section 3 shall apply correspondingly in other respects.

**§ 57. Alteration of a registered trademark**

Section 9 applies correspondingly to a request to alter a registered trademark under Section 34 of the Norwegian Trademarks Act. If the request for an alteration is granted, a new registration letter shall be sent to the proprietor.

**§ 58. Changes to the list of goods or services for registered trademarks**

The proprietor is responsible for ensuring that the list of goods or services in the registration is in accordance with the version in force from time to time of the Nice Agreement of 15 June 1957 Concerning the International Classification of Goods and Services, cf. Section 10.

The proprietor may request a specification or restriction of the goods and services for which the trademark is registered. Notification of a specification or restriction of the list of goods or services shall be filed with the Norwegian Industrial Property Office on a separate form and shall be completed in block letters. Such notification shall include the registration number and a new complete list of goods or services or specify the goods and services that the registration is no longer to cover, and be signed by the proprietor or his representative.

The Norwegian Industrial Property Office may, on its own initiative, establish a new list of goods or services (reclassification) after the proprietor has been given the opportunity to comment on the intended changes. The new list of goods or services shall be entered in the register and a new registration certificate issued.

***§ 59. Storage of marks, etc.***

Marks, models of three-dimensional marks, sound samples, etc. supplied shall be stored at the Norwegian Industrial Property Office in their original form until five years have passed since the cessation of the registration.

Marks, models, sound samples, etc. supplied are considered to be documents in the case. Everyone is entitled to study them at the Norwegian Industrial Property Office and, as far as is practically feasible, is entitled to have copies or pictures of them on a suitable medium. Such marks, models, sound samples, etc. in a case may only be returned if they are of no significance to the registrability of the mark or the scope of the exclusive right.

If a model has been supplied to the Norwegian Industrial Property Office and the proprietor has not requested that it be returned within the time specified in paragraph one, the Norwegian Industrial Property Office decides what will happen to it.

***§ 60. Right of registration as in the country of origin***

On the conditions specified in Article 6 of the Paris Convention, the applicant may request that a trademark be registered in Norway as it is registered in a foreign state in which the applicant is domiciled, of which he is a citizen or in which he operates an industrial or commercial undertaking and which is a party to the Paris Convention no. 1 of 20 March 1883 for the Protection of Industrial Property or the WTO Agreement of 15 April 1994 Establishing the World Trade Organization, cf. Section 79 of the Norwegian Trademarks Act.

This request shall be included with the application when it is filed with the Norwegian Industrial Property Office and specify the trademark authority with which the trademark invoked was registered, the date on which it was registered, its registration number and its expiry date. The Norwegian Industrial Property Office may request the applicant to supply documentation of the registration within three months of when notification of this was sent to the applicant.

A copy of the registration letter or a certified register printout is considered to be adequate documentation.

If the request does not meet the conditions in paragraph two, sentence one, the Norwegian Industrial Property Office shall set a time limit for correcting the situation. If the time limit specified in sentence one or paragraph two, sentence two, is not complied with, the right to request registration as in the country of origin is forfeited.

## **Chapter 9. Final Provisions**

### ***§ 61. Entry into force, etc.***

The Regulations shall enter into force on 1 July 2010. At the same time, Regulations no. 309 of 29 March 1996 to the Norwegian Trademarks Act and the Norwegian Collective Marks Act and Regulations no. 315 of 29 March 1996 on further provisions on the registration, etc. of trademarks and collective marks shall be repealed.

With the exceptions that proceed from Section 83 of the Norwegian Trademarks Act, the Regulations shall also apply to applications that were filed and registrations that took place before the Regulations entered into force.

### ***§ 62. Amendments to other Regulations***

The following amendments shall be made to other Regulations when the Regulations enter into force:

1. The following amendments shall be made to Regulations no. 832 of 6 August 1993 on plant variety rights: - - -
2. The following amendments shall be made to Regulations no. 418 of 4 April 2003 to the Norwegian Design Act: - - -
3. The following amendments shall be made to Regulations no. 718 of 24 June 2005 on the registration of hallmarks: - - -
4. The following amendments shall be made to Regulations no. 1417 of 14 December 2007 to the Norwegian Patent Act: - - -
5. The following amendments shall be made to Regulations no. 376 of 25 March 2009 on fees to the Norwegian Industrial Property Office, etc.: - - -