

## **Regulation relating to payments etc. to the Norwegian Industrial Property Office and the Board of Appeal for Industrial Property Rights**

Regulation no 333 of 26 March 2014: Regulation relating to payments etc. to the Norwegian Industrial Property Office and the Board of Appeal for Industrial Property Rights.

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This is an unofficial translation of the Norwegian Regulation on fees payable to the Norwegian Industrial Property Office and the Board of Appeal for Industrial Property Rights. Should there be any differences between this translation and the authentic Norwegian text, the authentic Norwegian text will prevail.

### **Chapter 1. General provisions on the submission of documents and payments to the Norwegian Industrial Property Office and the Norwegian Board of Appeal for Industrial Property Rights**

**Section 1.** An application for a trademark, design or patent, or other document in a case for consideration by the Norwegian Industrial Property Office concerning such rights, shall be filed in the manner provided for in this section, either directly with the Norwegian Industrial Property Office or via Altinn.

The filing of an application or other document via Altinn must be done electronically in a technically approved format.

Delivery to the Norwegian Industrial Property Office can either take place directly in a paper format or by electronic transfer. The postal address, e-mail address or fax number provided by the Norwegian Industrial Property Office must be used. The signature on an application or other document may be handwritten, printed, stamped or electronic in accordance with the standard provided for by the Industrial Property Office at all times.

An application or document submitted in another manner than described in the first to third paragraphs is deemed not to have been filed.

The provisions concerning applications set out in this Regulation also apply to registered trademarks and designs, and to granted patents, unless it is clear from the context that this is not the case.

The Norwegian Industrial Property Office issues more detailed provisions about how electronic communication can take place, including which electronic formats may be used.

If a request for an administrative review or an opposition is filed in paper format, one extra copy of the request and enclosures shall be filed for each of the other parties to the case.

**Section 2.** In the case of electronic transfers to the Norwegian Industrial Property Office pursuant to Section 1, the filing date can be a working day or a holiday. For other means of filing, the working day on which the application or other document is deemed to have been received will be the filing date.

'Filing date' pursuant to Section 1 means:

1. In the case of an electronic transfer via Altinn: the date on which receipt of the transfer is confirmed.
2. In the case of electronic transfer to the e-mail address stipulated by the Norwegian Industrial Property Office: the date on which receipt of the transfer is confirmed by the Norwegian Industrial Property Office's electronic mail system.
3. In the case of a fax sent to the fax number stipulated by the Norwegian Industrial Property Office: the date on which the complete transmission is received by the Norwegian Industrial Property Office.
4. In the case of delivery in paper format to the Norwegian Industrial Property Office's office during opening hours: the working day on which the application or other document is received by the Norwegian Industrial Property Office.
5. In case of delivery in the mailbox of the Norwegian Industrial Property Office outside opening hours: The following working day.

**Section 2a.** A claim for registration in the Patent Register or the Register of the Norwegian Industrial Property Office for European patent applications pursuant to the Patent Act Section 44, must be sent or delivered directly to the Norwegian Industrial Property Office on paper or by electronic transfer per e-mail or electronically through Altinn. Section 1 third paragraph second and third sentence applies correspondingly. Documentation for the claim shall follow the claim for registration.

The Norwegian Industrial Property Office administers a specific journal for the claims for registrations in the registers.

Claims for registration transferred electronically are entered into the register on the date on which the transfer is confirmed received by the electronic postal system of the Norwegian Industrial Property Office. Claims for registration sent or delivered on paper and received by the Norwegian Industrial Property Office by 2 PM on a working day, are entered into the register on the date of reception of the claim. If the business hours ends before 2 PM, the claim must be received within the business hours to be entered into the register on the same date. Claims that are received later that mentioned in second or third paragraph, are entered into the register on the next working day.

**Section 3.** The deadline for the payment of fees is set by the Norwegian Industrial Property Office, and it shall normally be 30 days, unless a different deadline follows from laws or regulations.

In the case of fees invoiced by the Norwegian Industrial Property Office, the payment information on the invoice must be used when payment is made. In the case of fees that the Norwegian Industrial Property Office does not invoice, payment must be made to the Norwegian Industrial Property Office's account. It must be stated what the payment concerns.

**Section 4.** A fee to be paid to the Norwegian Industrial Property Office is deemed to have been paid on the date on which payment is registered in the Norwegian Industrial Property Office's account.

Fees that are paid too late, cf. Section 3, are deemed not to have been paid. The Norwegian Industrial Property Office may nonetheless deem payment to have taken place on time if the party

making the payment substantiates that an irrevocable payment order was issued before expiry of the deadline.

This provision applies correspondingly to payments that are to take place via the Norwegian Industrial Property Office in international registration systems.

**Section 5.** If a payment deadline expires on a Saturday, a holiday or a day which, by law, is deemed to be equivalent to a holiday, the deadline is extended until the next working day.

**Section 6.** Unless otherwise stated in the notification, the deadline for responding to a notification from the Norwegian Industrial Property Office is calculated from the date on which the notification was sent. If a specific expiry date for the deadline is not stated in the notification, the deadline expires on the day of the month that corresponds numerically to the date on which the deadline started to run. If there is no corresponding date in the month in question, the deadline is deemed to expire on the last day of the month. If the deadline expires on 24 or 31 December, a Saturday, a holiday or a day that, by law, is deemed to be equivalent to a holiday, the deadline will expire on the first working day after the expiry date.

The deadline for responding to a notification as mentioned in the first paragraph is two months, unless otherwise decided by law or by the Norwegian Industrial Property Office in each individual case.

Unless otherwise laid down by law, the first and second paragraphs apply correspondingly to other deadlines pursuant to the Patents Act, Business Names Act, Design Act, Trademarks Act and Industrial Property Office Act.

The deadline for correcting errors or deficiencies in an application or other documents can be extended by the Norwegian Industrial Property Office unless otherwise set forth by law. A request for the extension of a deadline must, in such case, be filed with the Norwegian Industrial Property Office no later than on the date the deadline expires.

**Section 7.** Everyone may request:

1. a certified copy of the trademark register, the design register and of the patent register;
2. a copy of a trademark application, with appendices;
3. a copy of a patent application, with a description, drawings, abstract and claim;
4. a copy of a printed Norwegian publication for public inspection before grant of patent or patent specification;
5. a copy of an application for the registration of a design, with appendices.

On request, the Norwegian Industrial Property Office may issue and send a priority document pursuant to Rule 17.1(b) of the rules implementing the Patent Cooperation Treaty.

The fee for a certified transcript and copies as mentioned in the first and second paragraphs is decided by the Norwegian Industrial Property Office and shall follow from the list of fees on the Norwegian Industrial Property Office's website.

This provision applies correspondingly to electronic documents with the same contents.

**Section 8.** The provisions of this chapter apply correspondingly to the filing of documents with the Norwegian Board of Appeal for Industrial Property Rights (the 'Board of Appeal').

Appeals to the Board of Appeal and any enclosures shall be submitted to the Norwegian Industrial Property Office.

Once the Norwegian Industrial Property Office has sent the appeal to the Board of Appeal, any further communications in the case shall be addressed to the Board of Appeal. Between parties that are represented by representatives, submissions in the case shall be sent directly to the opposing party at the same time as they are sent to the Board of Appeal.

The Board of Appeal sets deadlines for submitting responses and further written communications in the appeals case.

## **Chapter 2. Payments to the Norwegian Industrial Property Office pursuant to the Trademarks Act**

**Section 9.** The following fees shall be paid to the Norwegian Industrial Property Office for an application for registration of a trademark, cf. the Trademarks Act Section 12:

1. application fee, trademark NOK 2,900, and
2. additional fee for each class in excess of three, trademark NOK 750.

The following fees shall be paid to the Norwegian Industrial Property Office for an application for registration of a collective mark, cf. the Trademarks Act Section 12:

1. application fee, collective mark NOK 4,000, and
2. additional fee for each class in excess of three, collective mark NOK 1,650.

If the fees are not paid within the deadline set by the Norwegian Industrial Property Office, the application shall be deemed to have been shelved.

**Section 10.** For an application that is separated from another pursuant to the Trademark Regulations Section 17, an application fee shall be paid at the rates set out in Section 9 of this Regulation.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for separation shall be deemed not to have been received.

**Section 11.** For the division of an application, cf. the Trademark Regulations Section 18, an application fee shall be paid at the rates set out in these Regulations Section 9 for each new application that is not deemed to be a continuation of the original application.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for division shall be deemed not to have been received.

**Section 12.** For the division of a registration pursuant to the Trademark Regulations Section 20, an application fee of NOK 2,200 shall be paid for each registration that is not deemed to be a continuation of the original registration.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for division shall be deemed not to have been received.

**Section 13.** For the merger of previously divided applications or registrations pursuant to the Trademark Regulations Section 22, a fee of NOK 2,200 shall be paid for each application or registration that is not deemed to be a continuation of the original application or registration.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for a merger of the applications shall be deemed not to have been received.

If the fee is not paid within the deadline mentioned in the Trademarks Act Section 33, the trademark protection will lapse.

**Section 14.** The following fees shall be paid to the Norwegian Industrial Property Office for a request for renewal of a trademark, cf. the Trademarks Act Section 33:

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|---|----------------|
| 1. renewal fee                                      | NOK 2,600, and |
| 2. additional fee for each class in excess of three | NOK 1,000.     |

The following fees shall be paid to the Norwegian Industrial Property Office for a request for renewal of a collective mark, cf. the Trademarks Act Section 33:

- |   |                |
|---|----------------|
| 1. renewal fee                                      | NOK 5,150, and |
| 2. additional fee for each class in excess of three | NOK 2,100.     |

If a request for renewal is submitted after the expiry of the registration period, the following fees shall be paid to the Norwegian Industrial Property Office:

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|------------------------------------|--------------|
| 1. additional fee, trademark       | NOK 550, and |
| 2. additional fee, collective mark | NOK 1,200.   |

**Section 15.** An application for an alteration to a registered trademark pursuant to the Trademarks Act Section 34 is subject to a fee of NOK 1,200.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the application for alteration shall be deemed not to have been received.

**Section 16.** Requests for the deletion of a trademark from the register pursuant to the Trademarks Act Section 43 are subject to a fee of NOK 1,900.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for deletion shall be deemed not to have been received.

**Section 17.** The resumption of the processing of an application pursuant to the Trademarks Act Section 23 fourth paragraph is subject to a fee of NOK 550.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for division shall be deemed not to have been received.

**Section 18.** Requests that non-compliance with a time limit shall not have effect pursuant to the Trademarks Act Section 80 are subject to a fee of NOK 2,750.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request that non-compliance with the time limit shall not have effect shall be deemed not to have been received.

**Section 19.** Requests for an administrative review pursuant to the Trademarks Act Section 40 are subject to a fee of NOK 4,000.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for an administrative review shall be deemed not to have been received.

If a request for administrative review is rejected, the Norwegian Industrial Property Office shall repay half the fee.

**Section 20.** Applications for international registration pursuant to the Trademarks Act Section 67 are subject to a fee of NOK 800.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the application shall be deemed not to have been received. Other fees as mentioned in the Madrid Protocol shall be paid directly to the International Bureau of the World Intellectual Property Organisation (WIPO).

### **Chapter 3. Payments to the Norwegian Industrial Property Office pursuant to the Patents Act**

**Section 21.** For an applications for a patent, cf. the Patents Act Section 8 fifth paragraph, and for a European patent application that is converted into a national application, cf. the Patents Act Section 66 m second paragraph, the following fees shall be paid to the Norwegian Industrial Property Office:

1. application fee NOK 4,650, and
2. additional fee for each patent claim in excess of ten NOK 250.

When the applicant is an individual or a small business, or several such jointly when, combined, they do not have more full-time equivalents than specified in the third paragraph first sentence, the following fees shall be paid to the Norwegian Industrial Property Office:

1. application fee NOK 850, and
2. additional fee for each patent claim in excess of ten NOK 250.

By a small business in these Regulations is meant a business with a permanent staff of 20 full-time equivalents or fewer. Companies that are wholly owned subsidiaries or parent companies of each other are deemed to be one company when calculating the number of full-time equivalents pursuant to this provision. An applicant can be required to submit documentation that the undertaking is a small business. By individual is meant a physical person who does not represent anyone other than him/herself.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the application is deemed to have been shelved.

**Section 22.** For a novelty search as mentioned in the Patents Act Section 9, applicants pay the fee stipulated by the international novelty searching authority in question.

**Section 23.** For an application that is separated from another pursuant to the Patents Regulation Section 24, an application fee shall be paid at the rates set forth in Section 21 of this Regulation.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for separation shall be deemed not to have been received.

**Section 24.** For the division of an application, cf. the Patents Regulation Section 22, an application fee shall be paid at the rates set out in Section 21 of this Regulation for each new application that is not deemed to be a continuation of the original application.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for division shall be deemed not to have been received.

**Section 25.** A grant fee pursuant to the Patents Act Section 20 first paragraph first sentence shall be paid for the granting of a patent. The grant fee covers up to 14 pages. An additional fee shall be paid for each page in excess of 14. If new patent claims have been received after the application's filing date or the date on which the application is deemed to have been filed, so that the number of claims exceeds the number for which application fees have been paid pursuant to Section 21 of this Regulation, an additional fee shall also be paid for each such new patent claim.

The following fees shall be paid to the Norwegian Industrial Property Office for the granting of a patent:

1. grant fee NOK 1,200,
2. additional fee for each new patent claim NOK 250, and
3. additional fee for each page in excess of 14, with the exception of sequence lists, which are exempt from the page fee NOK 250.

No grant fee or additional fees shall be paid for the granting of a patent that is secret pursuant to Section 7 of the Act of 26 June 1953 No 8 relating to inventions which have significance for the defence of the Kingdom.

If the fee and additional fees are not paid within the deadline set by the Norwegian Industrial Property Office, the application shall be shelved.

If the applicant has gross income that does not exceed three times the National Insurance basic amount (G), the applicant may apply for exemption from payment of the grant fee and additional fees. The income limit is four times the National Insurance basic amount if the applicant provides for a spouse. For each additional person provided for by the applicant, the income limit increases by an increment corresponding to half the National Insurance basic amount. The calculation is based on gross income in the tax assessment. The applicant must enclose a copy of the latest tax settlement notice he/she has received and which includes the calculation basis. If the applicant has gross wealth of more than five times the National Insurance basic amount, exemption may only be granted in special circumstances.

**Section 26.** For the resumption of processing of an application pursuant to the Patents Act section 15 third paragraph or Section 20 first paragraph third sentence, a fee of NOK 550 shall be paid.

If processing of the application has previously been resumed, a fee of NOK 1,950 shall be paid.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for resumption shall be deemed not to have been received.

**Section 27.** Requests that non-compliance with a deadline shall not have effect pursuant to the Patents Act Section 72 are subject to a fee of NOK 3,000.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request that non-compliance with the deadline shall not have effect shall be deemed not to have been received.

**Section 28.** Requests for an administrative review pursuant to the Patents Act Section 52b are subject to a fee of NOK 8,800.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for administrative review shall be deemed not to have been received.

If a request for administrative review is rejected, the Norwegian Industrial Property Office shall repay half the fee.

If the patent or administrative review is upheld in amended form, cf. the Patents Act Section 52d third paragraph, for the patent to be valid in amended form, the patent holder must pay a fee at the following rates within a month of the day on which the decision became final:

1. amendment fee NOK 1,200,
2. additional fee for each new patent claim NOK 250, and
3. additional fee for each page in excess of 14, with the exception of sequence lists, which are exempt from the page fee NOK 250.

**Section 29.** Annual fees for patent applications and patents, cf. the Patents Act Section 8 fifth paragraph, cf. Sections 33 and 40, shall be paid at the following rates:

1st fee year	NOK 700
2nd fee year	NOK 700
3rd fee year	NOK 700
4th fee year	NOK 1,350
5th fee year	NOK 1,650
6th fee year	NOK 2,000
7th fee year	NOK 2,200
8th fee year	NOK 2,550
9th fee year	NOK 2,850
10th fee year	NOK 3,200
11th fee year	NOK 3,500
12th fee year	NOK 3,850
13th fee year	NOK 4,200
14th fee year	NOK 4,500
15th fee year	NOK 4,850



16th fee year	NOK 5,200
17th fee year	NOK 5,500
18th fee year	NOK 5,800
19th fee year	NOK 6,200
20th fee year	NOK 6,500

For European patents that are valid in Norway, cf. the Patents Act Section 66e, an annual fee shall be paid pursuant to the first paragraph from and including the fee year after the European Patent Office announced its decision to grant a patent. The annual fee shall be stipulated on the basis of the filing date for the European application. The annual fee falls due for payment at the expiry of the deadline for submitting a translation pursuant to the Patents Act section 66c first paragraph first sentence at the earliest.

Annual fees that, pursuant to the Patents Act Section 41 third paragraph or Section 42 third paragraph, are paid after the due date are increased by NOK 700.

If the stipulated annual fee is not paid within the deadline mentioned in the Patents Act Section 41 third paragraph or Section 42 third paragraph, the patent is deemed to have lapsed.

If the applicant or patent holder has gross income that does not exceed three times the National Insurance basic amount (G), the person in question may apply for deferral of payment of the annual fee. The income limit is four times the National Insurance basic amount if the applicant or patent holder provides for a spouse. For each additional person provided for by the applicant or patent holder, the income limit increases by an increment corresponding to half the National Insurance basic amount. The calculation is based on gross income in the tax assessment. The applicant or patent holder must enclose a copy of the latest tax settlement notice he/she has received and which includes the calculation basis. If the applicant has gross wealth of more than five times the National Insurance basic amount, deferral may only be granted in special circumstances.

**Section 30.** A person who, more than nine months after the date on which a patent was granted, files an objection claiming that an invention is not patentable because of matters mentioned in the Patents Act Section 1b shall pay a fee of NOK 5,500.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the objection shall be deemed not to have been received.

**Section 31.** The submission of a request for patent limitation pursuant to the Patents Act Section 39a is subject to a fee of NOK 7,000.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for patent limitation shall be deemed not to have been received.

**Section 32.** Upon submission of a translation as mentioned in the Patents Act section 66 c first paragraph, cf. second paragraph, the patent holder must pay a fee of NOK 5500 if the patent is to have effect or be maintained in amended form in this country.

If the prescribed fee is not paid within the time limit set by the Norwegian Industrial Property Office, the European patent shall not be valid in this country or shall cease to be valid.

**Section 33.** Upon submission of a correction of a translation as mentioned in the Patents Act section 66 c first paragraph, cf. second paragraph, a fee of NOK 1200 must be paid.

Upon submission of a correction of a translation in accordance with the Patents Act section 21 third paragraph sixth sentence, a fee of NOK 1200 must be paid.

A corrected translation is not deemed to have been submitted until the fee has been paid.

**Section 34.** For international patent applications that are filed with the Norwegian Industrial Property Office as the receiving office, the applicant shall pay the following fees to the Norwegian Industrial Property Office:

1. international application fee as mentioned in Rule 15.1 of the rules implementing the Washington Treaty of 19 June 1970 No 1 on patent cooperation (the Patent Cooperation Treaty).
2. a novelty search fee as mentioned in Rule 16.1 of the rules implementing the Patent Cooperation Treaty.
3. a forwarding fee of NOK 800 for the Norwegian Industrial Property Office's handling of the application as the receiving office.

The deadline for paying fees as mentioned in the first paragraph is one month after the international application has been received by the Norwegian Industrial Property Office.

If the fees as mentioned in the first paragraph are not paid on time, or if, by the expiry of the deadline, an insufficient amount has been paid, the Norwegian Industrial Property Office shall, in accordance with Rule 16bis of the rules implementing the Patent Cooperation Treaty, collect the unpaid amount.

In cases as mentioned in the third paragraph, the applicant shall pay an additional fee to the Norwegian Industrial Property Office corresponding to 50% of the unpaid amount. The amount shall nevertheless not exceed the international application fee and it shall not be less than the forwarding fee.

**Section 35.** In cases where the Norwegian Industrial Property Office receives an international application that should have been filed with the International Bureau of the World Intellectual Property Organisation (WIPO) (cf. Rule 19.4 of the rules implementing the Patent Cooperation Treaty), the applicant shall pay a fee of NOK 750 for the Norwegian Industrial Property Office's handling of the case.

The fee falls due for payment one month after the application is filed with the Norwegian Industrial Property Office. If the fee is not paid within the deadline, the international application is deemed not to have been received.

**Section 36.** For international patent applications that are forwarded pursuant to the Patents Act Section 31, cf. Section 8 fifth paragraph, the following fees shall be paid to the Norwegian Industrial Property Office:

1. application fee NOK 4,650, and
2. additional fee for each patent claim in excess of ten NOK 250.

For applicants as mentioned in Section 21 second and third paragraphs, the following rates shall nonetheless apply:

1. application fee NOK 850, and
2. additional fee for each patent claim in excess of ten NOK 250.

If the application enters the national phase in accordance with the Norwegian Patents Act Section 31 first paragraph and it includes one or more inventions that have not been subject to an international novelty search, cf. the Patents Act Section 36, or if the application includes one or more invention that have not been subject to a preliminary international examination, cf. the Patents Act Section 37, a specific additional fee of NOK 4,650 shall be paid.

**Section 37.** For international patent applications that are accepted for processing pursuant to the Patents Act Section 38, cf. Section 8 fifth paragraph, the following fees shall be paid to the Norwegian Industrial Property Office:

1. application fee NOK 1,200, and
2. additional fee for each patent claim in excess of ten NOK 250.

**Section 38.** For international patent applications, the following fees apply:

1. additional fee for a further deadline pursuant to the Patents Act Section 31 second paragraph NOK 950, and
2. a fee as mentioned in the Patents Act Section 36 or 37 NOK 4,650.

The fee pursuant to the first paragraph shall be paid to the Norwegian Industrial Property Office.

**Section 39.** In other respects, the provisions of these Regulations concerning fees for national patent applications apply correspondingly to international patent applications that enter the national phase pursuant to the Patents Act Section 31 or that are accepted for processing pursuant to the Patents Act Section 38.

**Section 40.** When filing an application for a supplementary protection certificate for medicinal products or for plant protection products pursuant to the Patents Act Section 62b second paragraph and Section 62a second paragraph, the applicant shall pay an application fee of NOK 2,200. When filing an application for extension of a supplementary protection certificate pursuant to the Patents Act Section 62 am second paragraph, the applicant shall pay a fee of NOK 2,000.

If the stipulated fee is not paid within the deadline set by the Norwegian Industrial Property Office, the application for a supplementary protection certificate or for extension will be deemed not to have been received.

A fee as stipulated in Section 26 of these Regulations shall be paid for the resumption of processing of a shelved application.

If the stipulated fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for resumption shall be deemed not to have been received.

**Section 41.** Sections 27 and 53 apply correspondingly to cases concerning granted certificates.

**Section 42.** Annual fees shall be paid for certificates pursuant to the Patents Act section 62a third paragraph, cf. Section 62b second paragraph, in the amount stipulated in Section 29 first paragraph of this Regulation as the annual fee for the 20th fee year.

An annual fee shall be paid for each fee year that begins after the patent period has expired even if the certificate has not been granted by the end of the patent period.

If the stipulated annual fee is not paid within the deadline mentioned in the Patents Act Section 41 third paragraph or Section 42 third paragraph, cf. Section 62a third paragraph and Section 62b second paragraph, the protection lapses.

Section 42a. For registration of a security right in the Patent Register or the Register of the Norwegian Industrial Property Office for European patent applications, cf. Section 44 third paragraph of the Patents Act, a fee of NOK 500 shall be paid. If a claim for registration covers security rights in more than one patent etc. securing the same monetary claim, a fee of NOK 500 shall be paid for the first registration with an addition of NOK 100 for every additional registration in the Register.

#### **Chapter 4. Payments to the Norwegian Industrial Property Office pursuant to the Designs Act**

**Section 43.** The following fees shall be paid to the Norwegian Industrial Property Office for an application for registration of a design, cf. the Designs Act Section 13:

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|--|----------------|
| 1. application fee   | NOK 1,900,     |
| 2. multiple registration fee for each design in excess of one                              | NOK 1,300,     |
| 3. storage fee for each submitted model stored by the Norwegian Industrial Property Office | NOK 1,200, and |
| 4. fee for supplementary search, for each design   | NOK 900.       |

If the stipulated fees are not paid within the deadline set by the Norwegian Industrial Property Office, the application is deemed to have been shelved.

**Section 44.** For an application that is separated from another pursuant to the Design Regulations Section 16a, an application fee shall be paid at the rates set out in Section 43 of these Regulations.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for separation shall be deemed not to have been received.

**Section 45.** For the division of an application pursuant to the Design Regulations Section 17, an application fee shall be paid at the rates set out in Section 43 of these Regulations for each application that is not deemed to be a continuation of the original application.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for division shall be deemed not to have been received.

**Section 46.** For the division of a registration pursuant to the Design Regulations Section 18, an application fee shall be paid at the rates set out in Section 43 of these Regulations for each registration that is not deemed to be a continuation of the original registration.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for division shall be deemed not to have been received.

**Section 47.** For the merger of two or more previously divided applications or registrations pursuant to the Design Regulations Section 19, a fee shall be paid at the rates set out in Section 43 of these Regulations for each application or registration that is not deemed to be a continuation of the original application or registration.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for a merger shall be deemed not to have been received.

**Section 48.** A fee of NOK 550 shall be paid for the resumption of the processing of an application pursuant to the Designs Act Section 19.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for resumption shall be deemed not to have been received.

**Section 49.** The following fees shall be paid to the Norwegian Industrial Property Office for the renewal of the registration of a design pursuant to the Designs Act Section 24:

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|----|--|----------------|
| 1. | renewal fee for first renewal  | NOK 2,900.     |
| 2. | renewal fee for second renewal   | NOK 3,500,     |
| 3. | renewal fee for third renewal  | NOK 4,100,     |
| 4. | renewal fee for fourth renewal   | NOK 5,000,     |
| 5. | additional fee if the renewal fee is paid after expiry of the registration period                | NOK 550.       |
| 6. | multiple registration fee for each design in excess of one for which the registration is renewed | NOK 1,300, and |
| 7. | storage fee for each submitted model stored by the Norwegian Industrial Property Office          | NOK 1,200.     |

If the fee is not paid within the deadline mentioned in the Designs Act Section 24, the design registration will lapse.

**Section 50.** Requests that non-compliance with a deadline shall not have effect pursuant to the Designs Act Section 50 are subject to a fee of NOK 2,800.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request that non-compliance with the deadline shall not have effect shall be deemed not to have been received.

**Section 51.** Requests for an administrative review pursuant to the Designs Act Section 27 are subject to a fee of NOK 4,000.

No fees shall be paid for requests filed by the Ministry pursuant to the Designs Act Section 26 second paragraph no 3, cf. the Design Regulations Section 27.

If the stipulated fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for administrative review shall be deemed not to have been received.

If a request for administrative review pursuant to the Designs Act Section 27 is rejected, the Norwegian Industrial Property Office shall repay half the fee.

**Section 52.** Applications for international registration of a design pursuant to the Designs Act Section 56 third paragraph are subject to a fee of NOK 800.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the application for international registration shall be deemed not to have been received. Other fees as mentioned in the Geneva Act of the Hague Agreement shall be paid directly to the International Bureau of the World Intellectual Property Organisation (WIPO).

#### **Chapter 5. Fee for appealing to the Norwegian Board of Appeal for Industrial Property Rights**

**Section 53.** A fee shall be paid at the following rates for the consideration of an appeal by the Board of Appeal:

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|----|---|------------|--|
| 1. | for an appeal pursuant to the Patents Act   | NOK 5,700, |  |
| 2. | for an appeal pursuant to the Patents Act Section 44, paragraph 7   | NOK 1,500, |  |
| 3. | for an appeal pursuant to the Trademarks Act  | NOK 4,400, |  |
| 4. | for an appeal pursuant to the Designs Act   | NOK 4,400, |  |
| 5. | for a request to change the validity period for a granted protection and certificate for medicinal products | NOK 4,400, |  |
| 6. | for an appeal pursuant to the Business Names Act Section 3-7  | NOK 4,400. |  |

If the stipulated fee is not paid within the deadline set by the Norwegian Industrial Property Office, the appeal or request for a change, cf. the first paragraph no 4, shall be deemed not to have been received.

If the Norwegian Industrial Property Office or the Board of Appeal for Industrial Property Rights finds that the appeal succeed on the grounds of a obvious procedural error on the part of the Norwegian Industrial Property Office, the fee shall be refunded.

#### **Chapter 6. Miscellaneous provisions**

**Section 54.** Requests for administrative review pursuant to the Business Names Act Section 3-6 are subject to a fee of NOK 4,000.

If the fee is not paid within the deadline set by the Norwegian Industrial Property Office, the request for administrative review shall be deemed not to have been received.

If a request for administrative review pursuant to the Business Names Act Section 3-6 is rejected, the Norwegian Industrial Property Office shall repay half the fee.

**Section 55.** Fees paid to the Norwegian Industrial Property Office or the Board of Appeal for Industrial Property Rights in accordance with the provisions of the Trademarks Act, the Patents Act, the Designs Act and this Regulation will not be refunded unless this is specifically set forth in this Regulation.

If a fee is paid with up to NOK 300 more than the correct fee, The Norwegian Industrial Property will not pay it back on its own initiative.

**Section 56.** This Regulation enter into force on 1 April 2014. The Regulations of 13 December 2010 No 1646 relating to fees payable to the Norwegian Industrial Property Office etc. (the Fees Regulations) are repealed with effect from the same date.