

Lahn, Axel
Norway; the law of patents, trademarks,
designs and the Office for the protection
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industrielle retsvesen, 1910.

THE LAW RELATING TO
THE OFFICE FOR THE PROTECTION
OF INDUSTRIAL PROPERTY.

DATED 2nd JULY 1910.

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Nr. 7

We, Haakon, King of Norway, make known:
That to Us has been presented the resolution dated 17th
of June 1910, of the Storting, as follows:

I. The composition and sphere of operation of the Office.

§ 1. The Office for the Protection of Industrial Prop-
erty is situated in Christiania. It shall be composed of per-
sons having technical, commercial and legal knowledge. The
latter shall be in possession of the qualifications generally
prescribed for the office of a judge.

The working of the Office shall be superintended by a
Director commissioned by the King.

The other members are appointed by the King without
commission to government officials, either as permanent mem-
bers, or for a term of usually five years.

§ 2. The Office consists of two Sections.

The First Section shall decide upon applications for indu-
strial protection.

The Second Section shall decide upon cases relating to
the examination of the decisions arrived at by the first
Section.

Under the control of the Sections shall also appertain
matters which by separate Law are or might be appended
to them.

§ 3. The members of the First Section shall be per-
manent and one of the technical members shall be Chairman
of the Section.

The Director of the Office shall be Chairman of the
Second Section.

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The King shall appoint deputies for the Chairmen.
In special cases the King may, at the request of the Office, appoint members for decision in a separate case.

II. The treatment of the cases by the Sections.

§ 4. Any case received by the First Section shall be dealt with by one of the members of the Section, and who for applications for Patents shall be a member having technical, and for applications for Trade Marks and Designs a member having legal knowledge. Such member shall deal with the case in every respect, except where it is provided that a decision shall be given by the Section as a whole.

Such decision shall be given by a committee of three members of the Section including the Chairman or his deputy and the member who according to the first sub-section dealt with the application.

§ 5. The decision of the Second Section shall be given by a committee of five members including the Chairman or his deputy. Three of these members shall have technical or commercial and two of them legal knowledge.

The decision of the Second Section shall not be made dependent on the facts which were present at the decision given by the First Section.

If a fact, which has not been examined by the First Section, is introduced, the Second Section may remit the case for a new decision by the First Section.

§ 6. With regard to the impartiality of the members the same rules shall apply as for judges generally.

No member can decide in a case, if he previously has taken part in a decision regarding the industrial protection in question.

The committees may consult experts who are not members of the Office. Such experts are debarred from voting.

§ 7. Anything which is considered necessary in order to clear up the case, shall be dealt with before a decision is given.

For this purpose the parties interested in the case may be invited to, or may, at their request, be allowed to give verbal explanation. Such explanations may also be received from other persons for clearing up the case. Sufficient notice shall be given to all parties concerned when a Hearing for such purpose is appointed.

§ 8. The party concerned may in order to throw light on the case, without previous proceedings at the Court of Conciliation being necessary, demand that Witnesses may be heard (Tingsvidne). The committee concerned shall decide what other parties concerned shall be notified of the

appointment of such Hearing. The general regulations of the Law shall govern the length of such notice.

§ 9. If the decision is to be based on anything which has not been previously under consideration with the parties concerned, such parties shall be allowed, within a suitable period, beforehand to give an explanation.

§ 10. The decisions shall be issued in the name of the Office. They shall be accompanied by grounds stating what is considered having been proved as basis for the decision and in case also the interpretation of the Law upon which the decision has been based.

If in such statements anything should appear indistinct or not exhaustive, corrections may be made at the request of one of the parties concerned, after explanation given by the other party. Such request must be made within four weeks after the decision is given.

§ 11. In such cases where, in accordance with special legal provisions, the decisions of the Office may be brought before the Law Courts for trial as to the interpretation of the Law on which the decision is based, the Court shall declare, if the contention of the prosecutor is approved, the decision invalid, and shall point out the interpretations which are found to be wrong. If the finding of the Court is to the effect that the interpretation of the Law on which the decision is based, is not clear, the decision may be annulled, and the mistakes which have led to such decision shall be pointed out.

III. General Regulations.

§ 12. The members of the Office shall not be permitted to act as Attorneys in matters regarding the Industrial Protection.

§ 13. The Office shall keep such Registers as are or may be stipulated by special Law.

The Office shall issue a Gazette in which notifications prescribed by Law regarding the Industrial Protection shall be published.

§ 14. Copies of judgments by which industrial protection is declared invalid, is withdrawn from the Proprietor or declared annulled, or which concern matters mentioned in § 11 of the present Law, shall be sent to the Office by the Clerk of the Court concerned.

§ 15. The further regulations as to the routine of the Office, and whatever is necessary for carrying out and working the present Law; shall be fixed by the King.

§ 16. The present Law shall become operative on the 1st of January 1911. Members who are not permanent, shall be allowed, when desirable, to assist until further notice in the First Section of the Office and the rule in § 3, first sub-section, shall form no obstacle thereto.

Therefore, We have sanctioned and confirmed, as We do hereby sanction and confirm the present Law, under Our hand and the Seal of the Kingdom.

Given at the Palace of Christiania the 2nd July 1910.

Hakon.
(L.S.)

Konow.

Hesselberg.