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Lov om oppfinnelser
og beskyttelse for
rikets forsvær
Norway (Lov om forsværskrift)

Laws and Rules (partly in excerpts) of Property and the Protection
concerning the Industrial Property and the Protection
of Literary, Scientific and Artistic Works etc.

Translated by
The Royal Ministry of Foreign Affairs

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For the same purpose the King may prohibit the owner of the right to dispose of the invention in a certain specified manner.

3. Act of 26th June, 1953, relating to inventions which have significance for the defence of the Kingdom.

§ 1. Scope of the Act.

This Act applies to inventions of significance for the defence of the Kingdom, when the invention has been made in this Kingdom, or patent for it has been applied for here, or when someone who is resident here owns the invention wholly or in part, or has right of utilization of the same.

§ 2. Secrecy concerning an invention which is important for the defence.

An invention which relates to military equipment or which in other respects has direct significance for the defence of the Kingdom, must not be disclosed to any party except the authorities mentioned in § 3, if the invention is not already generally known. The inventor or owner of the right must not otherwise than is stated in § 3 take any step to utilize the invention, or do anything which may impede measures conformably with § 6. The King will determine what in relation to this provision is to be regarded as military equipment, and what inventions are to be deemed to have direct significance for the defence of the Kingdom.

The prohibition ceases to be operative for an invention when the King decides this, but not later than 4 months after the matter has been submitted to the authorities, conformably with the rules in § 3, cf., however, third paragraph. If for special reasons it is deemed necessary, the King may, before the time-limit expires, prolong this for up to 3 months. The owner of the right shall at once be notified of such extension.

If any measure has been taken conformably with § 6, or decision made conformably with § 7 that the invention shall be kept secret, the invention must not be made known as long as the King does not determine otherwise.

§ 3. Submission of the invention to the authorities.

If any person wishes to utilize an invention such as is mentioned in § 2, he must send a complete written specification of the invention to the Ministry, or in the usual way lodge an application with the Patent Directorate, if he wishes protection for the invention. The said authorities shall, if necessary, assist in the preparation of the specification.

The Ministry can give permission for the owner of a right to apply, unimpeded by the provisions in § 2, first paragraph, to other persons for assistance in preparing the specification or patent application, or for making experiments or tests with the invention. The Ministry can authorize the experimenting with or testing of the invention at the instance of other persons than the owner of the right when this is considered desirable out of regard for the defence of the Kingdom.

§ 4. Duty of disclosing information.

If the King deems that an invention has significance for the defence of the Kingdom, he can exact complete information in respect of it from anyone who is possessed of such information.

§ 5. Cooperation of the Patent Directorate.

The Patent Directorate shall keep received patent applications accessible to the person who in relation to the Patent Directorate is empowered by the King to undertake inspection, and to draw the attention of this person to applications which are deemed to have significance for the defence of the Kingdom.

§ 6. Expropriation etc.

Demand may be made, according to the decision of the King, that inventions which the King deems to have significance for the defence of the Kingdom be ceded to the authorities or other persons, when this is found desirable, in order that the invention may have the maximum utility for the defence. The same applies to the right to utilize such invention for a certain specified time.

For the same purpose the King may prohibit the owner of the right to dispose of an invention as mentioned in the first paragraph in a certain specified manner in this Kingdom or abroad, or enjoin on him certain specified duties in connection with the utilization. Prohibition or injunction pursuant to this paragraph holds good for such time as the King may determine.

Measures taken by virtue of this section may also be taken after expiry of the time-limit mentioned in § 2, second paragraph. The decision that no measures will be taken may at any time be rescinded.

§ 7. Secret patent etc.

The King may determine that an application for a patent for an invention which is covered by this Act shall be kept secret, and that the patent, if any, shall be granted as secret. Secret patents are not entered in the register of patents dealt with in the Act relating to patents of 2nd July 1910, § 34. The particulars mentioned therein shall instead be entered in a separate register which is not accessible to the public. The provision in the Patent Act §§ 26, 27 and 33 relating to laying out for public inspection, announcement and printing are not applicable, and the time-limit for filing an objection conformably with § 28, first paragraph, does not apply to secret patent applications. As long as the patent is kept secret the annual fee provided for in the Patent Act § 14 shall not be paid. The King may before the expiry of the patent period determine that the invention shall be kept secret also for a certain specified time after the patent has ceased to be in force.

The King can cancel a decision taken in conformity with the first paragraph. If this is done prior to the patent being granted, the patent application shall then be dealt with in the usual manner in conformity with the Patent Act. If the cancellation applies to a patent already granted, the patent shall be entered in the ordinary patent register, and announcement and printing shall be carried out in conformity with the Patent Act, § 33. The same applies when a secret patent has ceased to be operative, without any continued secrecy having been decided. An annual fee corresponding to the patent year in question shall be paid from and including the year after the patent year in which notification of the cancellation is received by the Patent Directorate. The basic fee provided for in the Patent Act, § 26, is not payable.

The King may, on condition of reciprocity, conclude agreement with a foreign state to the effect that application for a patent for an invention which has significance for the defence of the state in question, and which is filed in Norway by a person resident in the foreign state, shall at the request of a competent authority in the said state in each single case be kept secret, and that the patent, if any, shall be granted as a secret patent.¹⁾

§ 8. Access to have court hearing in camera.

In court actions relating to inventions which are covered by this Act the court may decide that the case shall be heard in camera.

§ 9. Compensation.

For measures taken by virtue of § 6 shall be paid compensation, which, in the absence of amicable agreement, shall be stipulated by judicial appraisal. The appraisal shall be effected by the Oslo Town Court. The compensation may be stipulated at an annual royalty or at a lump sum. The decision shall stipulate the number of years during which the royalty is payable. The measures may be carried into effect prior to the stipulation or payment of the compensation, even if it is demanded that the invention be ceded to others than the State.

The compensations shall be stipulated by judicial appraisal also to such extent as the owner of the right, according to the ordinary rules of law might be entitled to compensation for other measures taken by virtue of this Act.

§ 10. Penal provisions.

Anyone who intentionally or by negligence infringes § 2, first or third paragraph, or § 12, second paragraph, second period, of this Act, or fails to give information which is demanded conformably with § 4, or gives incomplete or incorrect information, or who infringes provisions issued by warrant of § 6, second

¹⁾ A bilateral agreement has been concluded between Norway and the United States on 6th April, 1955. Norway is, furthermore, party to the multilateral agreement between the Nato states of 21st September, 1960. (Agreement for the mutual safeguarding of inventions relating to defence, and for which applications for patents have been made).

paragraph, or § 7, first paragraph, may be punished by fines or imprisonment up to one year, unless the conduct comes under more severe penal provisions.

§ 11. Provisions relating to implementation.

The King may issue detailed regulations for the implementation of this Act.

§ 12. Provisions relating to entry into force and transition.

This Act enters into force on the day the King determines.

The Act shall also apply to inventor-rights and patent rights which have been acquired at the time of its entry into force. If at that date steps have been taken to utilize or protect by patent an invention which relates to military equipment or which in other respects has direct significance for the defence of the Kingdom, the owner of the right shall as soon as possible, and within one month at latest after the Act's entry into force, submit the matter to the Ministry concerned, if the invention is not generally known.

If the owner of the right wishes to file a patent application for such an invention in one or more states, and it is of importance for obtaining a patent that the necessary documents are sent from Norway within 5 months after the entry into force of the Act, the owner of the right shall as soon as possible lodge a well-grounded application to the Ministry concerned for permission to do this, accompanied by complete, written specification of the invention, unless such specification has already been filed. Separate application must be filed for each state. The application shall contain information as to the latest date on which the documents must be dispatched from Norway in order to arrive in time. If the owner of the right or the patent agency used by him does not receive an answer to the application before such latest date, the documents can be dispatched unimpeded by the provisions of § 2 of the Act.

4. Regulations, laid down by Royal Decree of 17th July, 1953, relating to the filing of applications for protection of inventions or designs.

I. Provisions relating to filing of patent application etc.

§ 1. For obtaining a Norwegian patent for an invention conformably with the Act relating to patents, of 2nd July, 1910, with subsequent amendments, application must be filed with the Directorate for Protection of Industrial Property (Patent Directorate) in Oslo.

§ 2. The application shall have the form of a letter addressed to the said Patent Directorate, dated and signed by the applicant or a person acting on his behalf.

The letter must contain:

- a) request for the grant of a patent for the invention, the subject-matter of which (title of the patent applied for) should be stated as briefly and precisely as possible. Fanciful names for the invention must not be embodied in the application or accompanying documents,
- b) information regarding the applicant's full name and permanent residence,
- c) list of the documents which accompany the application (see § 3).

§ 3. The said letter to the Patent Directorate, in which patent is requested, must be accompanied by the following appendices:

- (1) Specification (description) in triplicate of the invention.

The specification, which must be drawn up in the Norwegian language, shall be so clear and complete that other experts are able, on the basis of it, to utilize the invention. On the other hand it should not contain explanations, in which the invention is described more exhaustively than is necessary for understanding it. Advertisement of any kind must be avoided.

The specification shall end with an unambiguous statement as to what the applicant holds to be his invention, and for what he requests a patent.

Measurements and weight should be stated in the specification with the designations of the metrical system. Temperatures are to be given in Celsius degrees.

The specification shall be easy to read, and written on white paper and only on one side of the sheet. If there are several sheets, they should be wire-stitched and paginated. The specification should be typewritten. There shall be sufficient distance between the lines for the insertion of corrections. The specification should as far as possible be free from deletions, alterations or superscriptions; if such occur, they should be confirmed in the margin or