

WIPO  
Att: Tomoko Miyamoto

Oslo, 2016.09.26

C.8585

Dear Ms. Tomoko Miyamoto

With reference to Circular 8585 regarding follow up on SCP /24/5, paragraph 17 the Norwegian Industrial Property Office has the following comments:

- (i) The Norwegian Industrial Property Office is not aware of any experiences or case studies on the effectiveness of exceptions and limitations to patents rights in the Norwegian Patents Act addressing development issues. Exceptions to patent rights will generally be a matter addressed in infringement actions before the courts, and not in proceedings before the Industrial Property Office. As regards limitations such as compulsory licenses, such licenses can be granted under Sec. 47 of the Patents Act if strong reasons in respect of the public interest so warrants, inter alia for the production of pharmaceutical products for export in accordance with the WTO implementation of paragraph 6 of the Doha Declaration on the TRIPS agreement and public health, 30 August 2003.
- (ii) In Norwegian law there are no provisions providing a client-patent advisor privilege, except in cases where the advisor is an attorney at law. Thus, the Norwegian Industrial Property Office has no information on court cases with respect to client-patent advisor privilege including limitations or difficulties encountered.

Regarding updated information concerning applicable laws:

- (i) there have been no amendments in national legislation that requires the information from Norway on certain aspects of national/regional patent laws to be changed.
- (ii) Regarding SCP/18/4 Opposition systems and other administrative revocation and invalidation mechanisms we have one minor amendment to the text. We would appreciate if you would alter paragraph 208 last sentence as follows: "**Persons submitting a protest to the grant of a patent will not be a party to the proceedings.**"

With regard to:

- (i) The webpage on exceptions and limitations to patent rights we do not have any amendments
- (ii) We do not have any amendments to the information already provided on client attorney privilege
- (iii) We do not have any additional information to the webpage on international worksharing and collaborative activities.

Best regards,

Ingrid Mauritzen

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