

For Offices or other relevant authorities that have submitted their responses to the questionnaire.

CONTRACTING PARTY

NORWAY

III. OFFICE PRACTICE OR ASSUMED OFFICE PRACTICE

6. (redrafted on June 23, 2008)

(a) In case it has been requested to take note, under Article 4*bis*(2), of the international registration, does your Office permit the coexistence of the national registration and the international registration that has replaced it?

YES

YES, but only for the remainder of the current term of protection of the national registration (i.e., the national registration may not be renewed)

NO, the Office *ex officio* cancels the national registration

NO, the holder needs to renounce the national registration

(b) In case your Office has not been requested to take note, under Article 4*bis*(2), of the international registration, but is nevertheless aware that the conditions under Article 4*bis*(1) are met, does it permit the coexistence of the national registration and the international registration that has replaced it?

YES

YES, but only for the remainder of the current term of protection of the national registration (i.e., the national registration may not be renewed)

NO, the Office *ex officio* cancels the national registration

NO, the holder needs to renounce the national registration

IV. MISCELLANEOUS

1. (redrafted on June 23, 2008)

Where the conditions under Article 4*bis*(1) are met and, in addition, the national mark has lapsed, is reliance on any rights acquired by virtue of the national registration permitted in legal and administrative proceedings?

YES, even if the international registration has not been noted in the national register

YES, but only if the international registration has been noted in the national register

NO

Do not know

Comment:

Our answer depends on the definition of the term “lapsed.” In Norway, there is a 6 months respite limit after a national mark has lapsed, where the holder may still renew the mark. In Norway, it is not a requirement that the international registration has been noted in our register before the national mark has been lapsed. Whether we accept a replacement in these circumstances depends on whether the designation of Norway has been made to WIPO within the 6 months respite limit that follows after the national mark has lapsed. Consequently, the answer is YES if by your question the designation of Norway has been made to WIPO within the 6 months respite limit. The answer is NO if the designation has been made after the 6 months respite limit.