

SCP/12/3 Annex II
Amendments to the text regarding Norway

Prior Art, p. 8

1. Everything made available to the public in writing, in lectures, by use or otherwise before the filing date (priority date).
2. Contents of certain Norwegian, European and international patent applications with an earlier filing date (priority date) published on or after that date.

Novelty, p. 21

The invention is new in relation to what was known before the filing date (priority date), i.e., everything made available to the public in writing, in lectures, by use or otherwise before the filing date (priority date).

The contents of certain Norwegian, European and international patent applications (secret prior art) with an earlier filing date (priority date) made available to the public shall also be taken into consideration for the determination of novelty.

Inventive Step (Obviousness), p. 33

The invention differs essentially from the prior art. The prior art consists of everything made available to the public in writing, in lectures, by use or otherwise before the filing date (priority date). However, with respect to certain earlier applications (secret prior art) it is sufficient that the new application shows novelty.

Grace Period, p. 52

Disclosure is not to be taken into account in determining novelty and inventive step if it occurred within six months before the filing date due to:

1. an evident abuse in relation to the applicant or his predecessor in title;
2. display of the invention by the applicant or his predecessor in title at an official or officially recognized international exhibition as described in the Convention relating to International Exhibitions of 22. November 1928, as last amended 24. June 1982.

Sufficiency of Disclosure, p. 65

The description shall be sufficiently clear and complete to enable a person skilled in the art to carry out the invention.

Exclusions from Patentable Subject Matter, p. 90

Something which merely consist of the following (1-5) is not considered as an invention

1. Discoveries, scientific theories and mathematical methods.
2. Aesthetic creations.
3. Schemes, rules and methods for performing mental acts, playing games or doing business.
4. Computer programs.
5. Presentation of information.

Patents are not granted for

1. Therapeutic, surgical and diagnostic methods, practised on humans or animals.
2. The human body, at any stage of its formation and development or the simple discovery of its elements, including gene sequences, other than elements isolated from the human body or produced by a technical process.
3. Inventions whose commercial exploitation would be contrary to morality or public order.
Patents cannot on this basis be granted for *inter alia*: Processes for cloning humans; modifying the germ line genetic identity of humans; uses of human embryos for industrial or commercial purposes; and processes for modifying the genetic identity of animals which are likely to cause them suffering without any substantial medical benefit, and animals resulting from such processes.
4. Plant and animal varieties and essentially biological processes for production of plants and animals.

Exceptions and Limitations of the Rights, p. 124

1. Acts for non-commercial purposes.
2. Exploitation of products put on the market in the European Economic Area by, or with the consent of, the patent owner.
3. Experimental use which concerns the invention.
4. Preparation of prescribed medicines in pharmacies, and acts concerning those medicines.
5. Biological material obtained by multiplication or propagation of the material put on the market in the European Economic Area by the patent owner for that purpose, other than for multiplication or propagation purposes.
6. Use by farmers of harvested plant propagating material for multiplication or propagation on own farm.
7. Use by farmers of breeding stock or other animal reproductive material for agriculture purposes on own farm, but not sale for commercial reproduction.
8. Use of biological material already existing in nature which is not necessary for the industrial application specified in the patent.
9. Continued prior use by a person who, at the filing date (priority date), was exploiting the invention commercially in Norway, or had made substantial preparation for that purpose.
10. Certain uses concerning foreign aircraft, vehicles or vessels which temporarily or accidentally enter national territory.
11. Assignment of the patent by the King to the Government or other designated party because of war or danger of war and crisis situations connected therewith, subject to remuneration.
12. Compulsory licenses.