

Theme 3: Administrative Procedures for Resolving IP Disputes at the IP Offices, e.g: Opposition and Cancellation Procedures

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WIPO FORUM, Alicante, May 27, 2004



PATENTSTYRET
varemerke - design - patent

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Norwegian IP tradition

- IP legislation with an examination system, where
 - designs, trademarks and patents are handled at the Norwegian Patent Office (the Office)
 - business names are handled at the Brønnøysund Register Centre (the Centre)
- The Office and the Centre enforcing the rights through the examination system
- The traditional system is being challenged

Shift in user needs...

- from uniformity
- from precision
- from thoroughness
- from dealing with applications
- to flexibility
- to simplicity
- to faster registration
- to actively giving information and offering relevant IP services for users and SME



“Many designers enjoy being copied”



...has contributed to

- a Norwegian IP legislation that hands over more of the responsibility to the users and the market, and
- an office that offers more flexible and user friendly services, with particular focus on SME



Designs

- 1970 Act: Novelty examination and opposition system
- 1996: Post-registration opposition was introduced
- 2003 Act:
 - “Design” still being assessed
 - Voluntary novelty examination
 - Administrative review has replaced the opposition system
 - Appeal to the Board of Appeals and Courts

Design holder: Stokke Gruppen



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Trademarks

- 1961 Act: Absolute and relative grounds for refusal
- 1996: Post-registration opposition was introduced
- 2003: Oral hearings (ex partes)
- 2005 Draft new Act:
 - Full examination maintained
 - Administrative review supplementing the opposition system
 - Appeal to the Board of Appeals and Courts



®

PEEL

Trademark holder: Stokke Gruppen

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Business Names

- The users demanded better harmonization of the Trademarks and Business Names Acts and practice
- New Business Names Act of 2004:
 - The Centre registers non-identical business names
 - Administrative review of business names established at the Norwegian Patent Office
 - The practice concerning “liable to be confused” unified at the Office