

Opposition systems

Norway

According to Section 24 of the Norwegian Patent Act, Norway provides for a post-grant opposition system, under which any person can oppose a patent within nine months from the publication of the grant. If the opposition is based on the argument that the granting of the patent should have been refused on the basis that commercial exploitation of the invention would be contrary to *ordre public* or morality, the opposition period is three years. Any person may file such an opposition to the Norwegian Industrial Property Office.

The Patent Office shall notify the patent holder of the opposition and give him an opportunity to file observations on them. The patent will be revoked if, (i) the patentability criteria in Articles 1 and 2 of the Patent Act are not fulfilled, (ii) the invention is not sufficiently disclosed, and/or (iii) the subject matter extends beyond the content of the application as filed. The patent holder is given the possibility to amend the patent in order to maintain the patent. A decision from the patent office regarding an opposition can be appealed to the Board of Appeals. A further appeal to courts is available.¹

¹ Section 24 and 25 of the Norwegian Patent Act, as entered into force January 1, 2008.