

Information about recent changes in the Norwegian Design Act to be reflected in SCT/9/6

If you want to reflect recent changes in the Norwegian Design Act in an updated version of document 9/6, you could add the following changes:

Paragraphs 42/46 footnote 32 and 36: This is emphasized in the Designs Act Article 8.1, which reads as following:

Section 8. Designs dictated by technical function

A design right may not be granted for the features of appearance of a product

1. that are dictated solely by its technical function, or
2. that must be reproduced in their exact form and dimension in order to permit the product to be mechanically connected to or placed in, around or against another product, so that either product may perform its function

Paragraph 57: The maximal period of validity of a design registration is extended from 15 to 25 years, with optional five-year periods.

Paragraph 64 footnote 39: To bring the Norwegian design law into conformity with the European Directive on industrial designs, Norway revised its legislation in 2003. The Design Act introduced a system without *ex officio* examination of prior art search, but with examination on substantive grounds, such as public policy, morality, official symbols or flags, etc, which constitutes absolute grounds of refusal (Section 7.1.1 and 7.1.2).

A general overview of the recent changes in the Norwegian Design Act

New legislation

In comply with the EC Directive Norway revised its legislation in 2003. The new Design Act introduced a system without *ex officio* novelty examination, but with examination on substantive grounds, as public policy, morality, official symbols or flags etc, which constitutes absolute grounds of refusal (Section 7.1.1 and 7.1.2).

Administrative review

To strengthen the position of third parties, the Design Act introduced a system with possibility to oppose on a registered design for the whole period of registration. This mechanism is called administrative review. It is similar to an opposition system but without a limited opposition period.

Grace period

The design is not regarded as having been made available to the public if it has been made available to the public, at the earliest, twelve months prior to filingdate or date of priority.

The period of validity

The maximal period of validity of a design registration is extended from 15 to 25 years, with optional five-year periods.

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